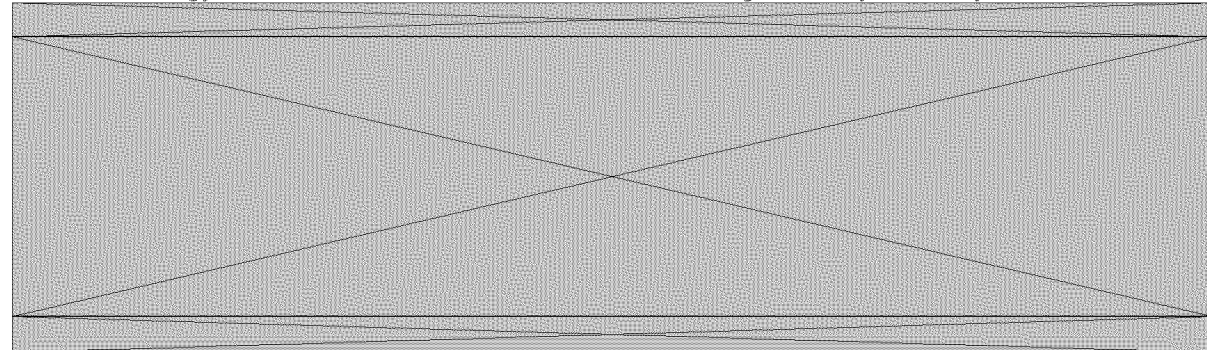


To: Kopocis, Ken[Kopocis.Ken@epa.gov]
From: EnergyGuardian
Sent: Fri 1/29/2016 12:01:02 PM
Subject: Wyoming adopts wildlife migration conservation guidelines

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Energy and environment headlines for the morning of Friday, January 29, 2016



Wyoming adopts wildlife migration conservation guidelines

By Mead Gruver

CHEYENNE, Wyo. (AP) — New state guidelines adopted in Wyoming, an energy-rich state that constantly seeks to balance conservation with development of fossil fuels, seek to protect some of North America's longest wildlife-migration routes from oil and natural gas drilling on public lands.

The guidelines approved Thursday by the state Game and Fish Commission call on state

wildlife officials to continue to identify routes traveled twice a year by thousands of elk, antelope and mule deer. Tracking technology has enabled scientists in Wyoming and elsewhere to map such routes with increasing precision — and even discover new ones.

Biologists also will study how to counter threats to migrations, such as by replacing barbed-wire fences with a type that allows antelope to crawl under the bottom wire.

Options could also include prohibiting oil and gas development in especially sensitive areas along migration corridors, a point of contention between environmentalists and the petroleum industry.

"The science is clear that the best way to ensure long-term persistence of migration corridors is to prohibit development," said Julia Stuble with the Wyoming Outdoor Council.

But the guidelines in no way would require Wyoming to prohibit oil and gas exploration, pointed out Esther Wagner, vice president of the Petroleum Association of Wyoming.

"They're just recommendations," Wagner said. "They're not regulations."

The guidelines will come into play when petroleum developers seek to drill on federal land in Wyoming. State biologists will refer to their findings and the guidelines when they advise federal agencies on wildlife populations on federal land, which they do regularly.

Wyoming officials often find themselves caught between encouraging fossil fuel development and protecting wildlife habitat. In this case, migrating ungulates — a class of hooved animals that includes moose and bison as well as elk, mule deer and antelope — are popular to hunt.

Similar challenges confront wildlife managers in energy-rich Montana and Colorado.

"We're not going to shut the lights out. We're not going back into the stone age. And we're not going to let wildlife decline," Game and Fish Commissioner David Rael said.

In western Wyoming, vast natural gas reserves underlie habitat for elk, antelope and mule deer that travel into the Yellowstone Ecosystem each summer.

Scientists in the region recently documented the longest known mule deer migration. A group of mule deer travels between the Gros Ventre Range in summer to the Red Desert in winter, a distance of 150 miles each way.

A group of antelope travels between Grand Teton National Park in summer and the Upper Green River Basin in winter, covering more than 100 miles each way.

Of particular concern are areas called bottlenecks where surrounding mountains, lakes or human development have pinched migration corridors to a mile wide or less. Biologists also suggest paying close attention to areas along migration corridors where wildlife stop to rest.

and eat.

Mule deer especially have suffered from the loss of habitat in Wyoming. Their numbers are down 40 percent over the past 20 years, according to the state Game and Fish Department.

Wyoming, population 584,000, remains the nation's least-populated state. But road construction and home development also get in the way of migrating wildlife. The state in recent years has countered that by building overpasses and underpasses where migration routes cross highways.

Herd of migrating antelope that used to congregate along roads in a frenzy can now continue on their way without too much fuss, commission President Charles Price said.

"It's not a panicked crossing," Price said. "It's a rapid crossing. They don't like to stand up there."

Quick Links

West report OK'd, stricter ammonium nitrate standards urged

US economy likely slowed sharply in October-December quarter

For GOP, debate was glimpse of what could have been

Iowa's Branstad says security top concern for GOP voters

Big surf, rain and snow heading toward California

EPA: New York village should test water for Teflon chemical

FBI shows video of Tuesday shooting of occupier

Upcoming Events

West report OK'd, stricter ammonium nitrate standards urged

By The Associated Press

WACO, Texas (AP) — Federal regulators approved a report Thursday that found inadequate

emergency response coordination and training and careless storage of potentially explosive materials contributed to a catastrophic 2013 blast at a Texas fertilizer plant.

The U.S. Chemical Safety Board's unanimous vote also adopted recommendations that federal regulators set higher standards for safe handling and storage of fertilizer-grade ammonium nitrate. It came at the end of a three-hour public meeting in Waco, at which investigators presented the findings of their examination of the West Fertilizer Co. plant explosion. The blast in the Central Texas town of West killed 15 people, including volunteer firefighters trying to extinguish the blaze that led to the explosion. It injured about 200 others and leveled part of the town.

According to the report, dozens of similar plants are still operating in Texas near schools, hospitals and residential neighborhoods.

"The risk to the public from a catastrophic incident exists throughout the state of Texas," the report said.

Texas has 80 plants that store more than 5 tons of ammonium nitrate, a chemical used in fertilizer. Nineteen plants storing fertilizer-grade ammonium nitrate operate within a half-mile of a school, hospital or nursing home, according to the report. More than 30 of them are within a quarter-mile of a home or apartment building.

The West plant "was about 550 feet from the closest school, which sustained catastrophic damage as a result of the explosion, which could have resulted in additional loss of life had the school been in session at the time," the report noted. That explosion caused about \$100 million in property damage, according to the Texas Department of Insurance, and insurance-related losses were approximately \$230 million.

[More](#)

US economy likely slowed sharply in October-December quarter

By Martin Crutsinger

WASHINGTON (AP) — The U.S. economy likely slowed significantly in the final three months of 2015 — and the picture seems to have grown gloomier in the first few weeks of 2016.

Sinking oil and stock prices and weakness in China and other emerging markets have raised worries about their impact on the U.S. economy. The Federal Reserve noted that concern this week with a cautious assessment of the economy.

On Friday, the government is expected to estimate that the U.S. economy grew at a

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minuscule 0.9 percent annual rate in the October-December quarter, according to economists surveyed by data firm FactSet. It would be less than half the growth rate of the previous quarter.

A key reason was likely a broad effort by businesses last quarter to reduce their overhang of unsold goods. Another factor is expected to be a widening trade deficit: Further strength in the dollar has made American-made goods more expensive and thus less competitive overseas. In addition, economic troubles in regions from Europe to China have depressed U.S. exports.

It will be the government's first of three estimates of economic growth for the fourth quarter.

Despite the fears that have gripped investors early in the year, economists predict that growth will strengthen in the January-March quarter to an annual rate of around 2 percent. The boost is likely to come mainly from consumer spending, which typically fuels about two-thirds of economic activity. Continued solid job growth is expected to embolden consumers to spend more.

[More](#)

For GOP, debate was glimpse of what could have been

By Julie Pace and Jill Colvin

DES MOINES, Iowa (AP) — For the Republican candidates for president, it was a glimpse of what could have been.

Front-runner Donald Trump's boycott of the final debate before the Iowa caucuses created space for his rivals to delve more deeply into their differences on immigration, foreign policy and their approach to governing.

And for some candidates — former Florida Gov. Jeb Bush in particular — Trump's absence from the debate stage Thursday night appeared to ease some of the tension created by his sharply personal attacks.

A frequent target of Trump, Bush opened the debate by saying wryly, "I kind of miss Donald Trump; he was a teddy bear to me."

Iowa voters kick off the 2016 nominating process with Monday's caucuses, and they'll provide the first indication of whether Trump's abrupt decision to skip the debate will have any impact on his standing atop the GOP field. His lead in Iowa had already become more tenuous in recent days, as Texas Sen. Ted Cruz pulled in support from conservative and evangelical voters.

Trump's decision to pull out of the debate over a feud with host Fox News was a gamble, particularly so close to the state of voting. But having defied political convention throughout his campaign, it was a risk the real estate mogul was willing to take.

[More](#)

Iowa's Branstad says security top concern for GOP voters

By Thomas Beaumont

DES MOINES, Iowa (AP) — With just days to go until the Iowa caucuses, the state's longtime Republican governor said Thursday that the federal government has failed to assure the American people that they are safe.

Gov. Terry Branstad, who is likely serving out his last term in office, has declined to publicly endorse anyone in this year's crowded Republican field, but he applauded those who have made national security a central theme in their campaign platforms — anyone, that is, except Texas Sen. Ted Cruz.

"Security is a big concern — personal security for Americans because of the attacks that have occurred on our own soil, as well as Paris," the six-term governor said in an exclusive interview with Associated Press.

Former Florida Gov. Jeb Bush, New Jersey Gov. Chris Christie, Florida Sen. Marco Rubio and billionaire Donald Trump have all put significant emphasis on the need to root out the Islamic State group from their safe havens in Iraq and Syria. The group has claimed responsibility for a number of attacks on foreign soil, including the deadly attacks in Paris in November, and has inspired a number of lone-wolf attackers to kill in its name.

However, Branstad, who typically favors those with state or federal governing experience, admits that those running for office in 2016 haven't fared as well against those positioning themselves as anti-establishment, Washington outsiders.

"They've not done as well," he said of the more mainstream politicians. "I've been surprised."

[More](#)

Big surf, rain and snow heading toward California

By The Associated Press

LOS ANGELES (AP) — Big surf, rain and snow are heading toward California, including the first significant rains predicted for the southern half of the state since early this month,

forecasters said Thursday.

Breaking waves up to 25 feet were predicted through week's end and beyond for parts of the Mendocino coast, with not quite as big — but still double-digit heights — south through the San Francisco and Central Coast regions and surf up to 9 feet along parts of the Los Angeles-area shoreline.

Heavy surf could spell more trouble for Pacifica, 10 miles south of San Francisco, where crashing waves and heavy rains have eaten away coastal cliffs and put residences in danger.

U.S. Rep. Jackie Speier and other officials visited the city Wednesday and pledged to seek state and federal assistance. On Monday, officials tagged an apartment complex of about 20 units as unsafe, ordering people to pack their things and be out by sunset. Residents scrambled to find someplace to go.

Flash flood watches were to go into effect starting late Thursday for the state's northwestern coast and interior, and on Friday in vast forest fire burn scars in the Sierra Nevada Gold Country.

The National Weather Service also issued winter storm warnings for the Southern Sierra from late Friday to Monday morning. Snow accumulations could range from 5 inches to 15 inches, and up to 20 inches above 7,000 feet. The snow level will drop to 4,000 feet or lower by early Sunday.

[More](#)

EPA: New York village should test water for Teflon chemical

By The Associated Press

HOOSICK FALLS, N.Y. (AP) — The U.S. Environmental Protection Agency is telling people in an upstate New York village to have their well water tested for a chemical used in making Teflon.

The agency on Thursday advised residents of Hoosick to have their wells tested for PFOA, which has been linked to cancer and other illnesses. It has been detected in municipal wells in Hoosick Falls, a village within the Rensselaer (rehn-suh-LEE-er') County town.

The agency says water with a level of PFOA higher than 100 parts per trillion shouldn't be used for drinking or cooking. That's a quarter of the EPA's current advised limit of 400 ppi.

An EPA administrator says the lower number reflects a new limit being developed by the

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agency.

Officials are investigating the extent of PFOA pollution in Hoosick Falls.

FBI shows video of Tuesday shooting of occupier

By Nicholas Geranios and Terrence Petty

BURNS, Ore. (AP) — A video showing the shooting death of an occupier of an Oregon wildlife refuge appears to show the man reaching into his jacket before he fell into the snow. The FBI said the man had a loaded gun in his pocket.

Authorities played the video shot by the FBI at a Thursday evening news conference, in an apparent effort to counter claims that the man killed in the confrontation Tuesday on a remote Oregon high-country road — Robert "LaVoy" Finicum — did nothing to provoke officers.

The FBI's release of the footage came as four occupiers remaining at the Malheur National Wildlife Refuge refused to leave without assurances they wouldn't be arrested. The group's jailed leader, Ammon Bundy, urged them to surrender. The occupation began nearly a month ago.

During the confrontation in which Finicum was killed, the FBI and Oregon State Troopers arrested five main figures in the occupation, including Bundy. Bundy and several of the other occupiers have another federal court hearing scheduled for Friday afternoon.

The video, shot by the FBI from aircraft, shows Bundy's vehicle stopped by police on a road. He and an occupier riding with him — Brian Cavalier — were arrested. A white truck driven by Finicum was stopped but took off, with officers in pursuit. The video shows Finicum's vehicle plowing into a snowbank when encountering a roadblock.

A man identified as Finicum gets out of the truck. At first, he has his hands up, but then he appears to reach into his pocket and he falls into the snow.

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Upcoming Events



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2/1

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To: Gregory Carroll[Carroll.Gregory@epa.gov]; Hautman, Dan[hautman.dan@epa.gov]
From: Christ, Lisa
Sent: Wed 1/13/2016 4:19:04 PM
Subject: FW: Hoosick Falls Web Page

Hello –

Region 2 shared a web site they developed for the PFOA issue in Hoosick Falls. The PFOA fact sheet and FAQs are very helpful.

Lisa

From: Pabst, Douglas
Sent: Wednesday, January 13, 2016 11:16 AM
To: Strong, Jamie <Strong.Jamie@epa.gov>; Donohue, Joyce <Donohue.Joyce@epa.gov>; Rodgers-Jenkins, Crystal <Rodgers-Jenkins.Crystal@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Krasnic, Toni <krasnic.toni@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Libelo, Laurence <Libelo.Laurence@epa.gov>; Albert, Ryan <Albert.Ryan@epa.gov>; Behl, Betsy <Behl.Betsy@epa.gov>; Camacho, Iris <Camacho.Iris@epa.gov>; Anderson, Arlene <Anderson.Arlene@epa.gov>
Subject: Hoosick Falls Web Page

Hi Team HQ,

Please visit the web link below for latest information on Hoosick Falls and available documents. Thanks you very much for all your help and support. Please let me know if you wish to discuss further.

Tx-Doug

<http://www.epa.gov/aboutepa/hoosick-falls-water-contamination>

Douglas Pabst

Chief, Drinking Water and Municipal Infrastructure Branch

USEPA Region 2

Clean Water Division

290 Broadway

New York, New York 10007-1866

Telephone: 212-637-3797

Cell: 718-427-3499

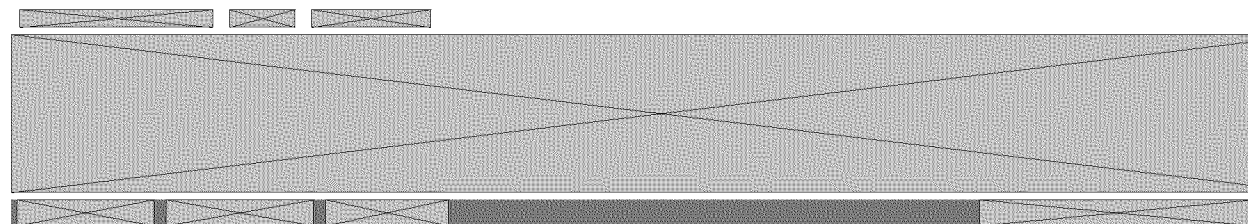
Email: pabst.douglas@epa.gov

www.epa.gov

To: Grevatt, Peter[Grevatt.Peter@epa.gov]
From: BNA Highlights
Sent: Fri 4/1/2016 2:15:34 AM
Subject: Apr. 1 -- BNA, Inc. Daily Environment Report

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NEWS

Agriculture

Groups File Suit to Reverse FDA Approval of GE Salmon

A coalition of consumer and environmental groups are suing the Food and Drug Administration to reverse the agency's approval of genetically modified salmon for sale and consumption (Institute for Fisheries Resources v. Burwell, No....

Air Pollution

DOJ Expects to Have 'Something' by Judge's VW Deadline

A top Justice Department official told Bloomberg BNA that he expects the federal government and Volkswagen to have "something" to tell a federal court judge by an April 21 deadline to present a plan to address about 580,000 noncompliant...

Air Pollution

Modi's Air Quality Plan Resisted by Indian Power Generators

India's effort to clean up the world's worst air is facing resistance from power producers who say the government is asking them to spend too much and revamp old plants too quickly....

Asbestos

Dismissal of Asbestos Cases Against Four Companies Upheld

Asbestos exposure claims brought by the survivor of a South Carolina shipyard worker don't have enough evidentiary support and must be dismissed, the U.S. Court of Appeals for the Fourth Circuit ruled (Pace v. Air & Liquid Sys. Corp.,...

Asbestos

No Product Liability for Shipbuilders in Asbestos Case

The heirs of a man who allegedly contracted mesothelioma while working on Navy warships containing asbestos can't proceed with strict product liability claims against the shipbuilders, the

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Ninth Circuit ruled March 31 (McIndoe v. Huntington...

Biotechnology

Biotech Framework Update Should Focus on Data Burden

The multiple federal agencies that regulate biotechnology and its products should create more certainty for the regulated community with clear review triggers and data standards, and a single information package they could submit to all...

Chemicals

Eight Chemical Firms No Longer Make, Use PFOA

The Arkema Group, BASF Corp., Daikin Industries, DuPont successor Chemours and four other chemical manufacturers that previously made or used perfluorooctanoic acid (PFOA) and related perfluorinated chemicals ceased their production...

Chemicals

Groups Demand Answer From FDA on Perchlorate

Six advocacy groups filed a lawsuit March 31 against the U.S. Food and Drug Administration in an attempt to force the agency to respond to its calls for a ban on perchlorate in food packaging (Breast Cancer Fund v. FDA, 9th Cir., No. 16-70878, 3/31/16)....

Climate Change

Panel Wraps Up First Phase on Company Climate Disclosure

A panel convened to bring about greater transparency to the way companies disclose the risks they face from climate change has concluded the first phase of its work as it moves toward proposing a set of voluntary reporting standards....

Climate Regulation

Administration Rushing Methane Rules to Boost Legacy: API

President Barack Obama's administration is rushing out a suite of rules meant to curb methane emissions as a way to bolster his climate change legacy, the American Petroleum Institute said March 31....

Climate Regulation

Former EPA Administrators Defend Clean Power Plan

The Clean Power Plan falls squarely within the Environmental Protection Agency's authority under the "broadly worded" provisions of the Clean Air Act, two past agency administrators said in defense of the rule (West Virginia...

Climate Regulation

White House Reviewing De Minimis Permitting Rule

The White House Office of Management and Budget is reviewing an Environmental Protection Agency proposal to set a de minimis standard for greenhouse gas emissions, below which large industrial facilities would not need to obtain a permit...

Drinking Water

EPA Attorney: Flint Shows Need to Improve Communication

The Flint water crisis illustrates a need for regulators to think "long and hard" about how best to communicate public health risks, the Environmental Protection Agency's top attorney said. ...

Drinking Water

EPA Must Resolve Oil, Gas Wells Oversight Issues: GAO

The Environmental Protection Agency hasn't ensured that underground sources of drinking water are being adequately protected from certain oil and gas underground injection activities, the Government Accountability Office said...

Drinking Water

New York Says Hoosick Falls Water Free of PFOA

Repeated tests of the municipal water system of Hoosick Falls, N.Y., have detected no perfluorooctanoic acid contamination, the New York Health Department said March 30. The village's drinking water is now safe for all uses, including...

Energy

Mexico's First Power Auction Hailed as Success

Mexico is one step closer to meeting its ambitious clean energy targets, thanks to its first wholesale electricity auction on March 29, in which 11 companies won long-term contracts to supply renewable energy and clean energy certificates...

Energy

Ohio OKs Rate Hikes, Subsidizes Coal, Nuclear Plants

Electric bills will go up for millions following the Public Utility Commission of Ohio's approval of two utilities' rate stability plans that subsidize older power plants....

Enforcement

SEC Sues Navistar and Ex-CEO for Truck Engine Lies

A former Navistar International Corp. chief executive officer is facing Securities and Exchange Commission allegations that he misled investors about the company's development of an advanced technology truck engine (SEC v. Ustian,...

Hydraulic Fracturing

Nebraska Governor Signs Bill on Fracking Disposal Wells

Nebraska Gov. Pete Ricketts (R) signed a bill March 30 that imposes additional disclosure regulations on operators of wastewater disposal wells used in hydraulic fracturing....

International Climate

Obama, Xi Push Early Entry Into Force of Paris Climate Deal

A U.S.-China pledge to quickly sign and implement the Paris climate pact—and prod other countries to follow suit—could get the deal formally in force well before 2020, Obama administration officials said March 31....

Mining

Molycorp OK to Exit Chapter 11 Without Troubled Mine

Molycorp Inc. will be able to exit bankruptcy protection with its profitable mineral-processing business, while leaving its money-losing California rare-earths mine behind (In re Molycorp Inc., Bankr. D. Del., No. 15-bk-11357, 3/30/16)....

Natural Gas

Japanese Ambassador Urges Canada LNG Exports

The window for Canada to begin exporting liquefied natural gas is closing and may not open again for a decade or more, Japan's ambassador to Canada recently warned Prime Minister Justin Trudeau and environmental officials....

Oil & Gas

BP Signs First Shale-Gas Exploration Deal in China with CNPC

BP Plc will explore for shale-gas in China with the country's biggest oil company China National Petroleum Corp., the British producer's first such contract in the nation estimated to hold the world's biggest resources...

Oil & Gas

Exxon, California Reach Agreement in Refinery Unit Restart

Exxon Mobil Corp. and California regulators reached a preliminary agreement to restart a unit at the Torrance refinery, a key step toward closing the facility's pending sale to PBF Energy Inc. ...

Oil & Gas**Oil Industry Urged to Focus on Long Term During Downturn**

Even though the current oil-gas downturn is a normal part of the industry's cycle and less severe than the 1980s slump, companies need to focus on a long-term business strategy, panelists at a forum in Houston said March 31....

Oil Spills**Cruden: Judges' OK Would Lock Down BP Settlement**

Judicial approval of a multibillion-dollar settlement between the federal government and BP Plc over the Deepwater Horizon oil spill would be a powerful tool to ensure that the oil and gas company meets its obligations, a top Justice Department...

Pipeline Safety**Return of Gas Pipeline Rules Opposed by Industry**

Safety regulations previously opposed by natural gas pipeline operators and others in the industry have returned in a Department of Transportation proposed rule that would set new requirements for both main and gathering pipelines. ...

Radioactive Waste**N.M. Deal Aims to Enhance Los Alamos Cleanup**

New Mexico's Environment Department on March 30 released a draft consent order for comment governing the cleanup of legacy waste at Los Alamos National Laboratory. The state initiated public discussion and feedback five months ago on...

Renewable Energy**\$2.6 Billion Buying Binge Pushed SunEdison to Brink**

Just nine months ago, SunEdison Inc. was Wall Street's favorite clean-energy company. It sopped up every dollar it could come by to finance a breathtaking buying binge of wind and solar farms, and in the process became the world's...

Renewable Energy**The U.K. Propped Up Europe's Ailing Solar Market Last Year**

If it wasn't for the U.K., Europe's solar power market would have flat-lined last year, according to new industry figures that reveal the world's biggest market for the technology is struggling to retain its scale....

Renewable Energy**U.K. Carbon Pollution Fell in 2015 as Renewables Replace Coal**

U.K. greenhouse gas pollution fell last year after generation from coal plants dropped and clean energy use rose, according to government figures published March 31....

Risk Assessment**Chemical Facility Auditing Proposal Defended by EPA's Giles**

An Environmental Protection Agency proposal that would require chemical plants to hire independent third parties to perform compliance audits under the agency's Risk Management Program is supported by evidence that those audits are...

Superfund**Buyer of Contaminated Parcel Can't Enforce Consent Decree**

A company that bought property at an auction set up under a Superfund consent decree lacks

standing to enforce the decree, the U.S. District Court for the District of Colorado ruled March 29 (United States v. Colorado & Eastern R.R., 2016...

Superfund

EPA, NOAA Differ on Hudson River Dredging Project

Two federal agencies have issued conflicting studies on the nearly completed project to dredge polychlorinated biphenyls from the Hudson River, with the National Oceanic and Atmospheric Administration calling for additional dredging...

Superfund

OIG Flays EPA Superfund, RCRA Financial Assurances

The Environmental Protection Agency is jeopardizing taxpayer dollars, public health and environmental protections by failing to lock in place financial assurances from companies that operate Comprehensive Environmental Response,...

Water Pollution

Des Moines Utility's Battle Over Farm Runoff Causes Rift

In the early spring of 2014, two lab workers for the Des Moines Water Works climbed into a truck and drove north. They pulled over on Highway 20 where the road crosses Cedar Creek, made their way to the water's edge, dunked a cup attached to...

Water Pollution

EPA Power Plant Data Not Available Under Clean Water Act

The Clean Water Act does not preempt the Environmental Protection Agency's ability under the Freedom of Information Act to withhold data it obtained as part of a survey about pollution from steam-driven power plants, a federal district...

Wetlands

U.S.-State Study Charts Long Island Sound Wetlands Loss

Nearly a third of the wetlands along Long Island Sound have disappeared since the 1880s, representing a serious loss for coastal communities, fish and wildlife, according to a federal-state study....

Analytical Methods to Enforce EU's REACH

A compendium of analytical methods that European Union member state authorities can use to enforce manufacturers' compliance with restrictions the European Commission has approved for certain chemicals was announced by the European...

REGULATORY AGENDA

APRIL 1 FEDERAL REGISTER

Comment Deadlines

MARCH 31 FEDERAL REGISTER

Daily Environment Report

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To: Downing, Jane[Downing.Jane@epa.gov]
Cc: Grevatt, Peter[Grevatt.Peter@epa.gov]
From: Pillsbury, Sarah
Sent: Fri 3/18/2016 8:23:52 PM
Subject: FW: Release: NHDES Receives Initial Drinking Water Well Tests for Perfluorooctanoic Acid (PFOA) in Southern New Hampshire
[removed.txt](#)

FYI

Sarah Pillsbury, Administrator

Drinking Water & Groundwater Bureau, NHDES

29 Hazen Drive, PO Box 95, Concord, NH 03302

Tel: (603) 271-1168 | Fax: (603) 271-5171

[NHDES Be Well Informed Private Well App](#) - An interactive web application for private well owners to interpret water quality test results and identify appropriate water treatment options

From: Martin, James
Sent: Friday, March 18, 2016 4:19 PM
Subject: Release: NHDES Receives Initial Drinking Water Well Tests for Perfluorooctanoic Acid (PFOA) in Southern New Hampshire

News from the New Hampshire Department of Environmental Services

FOR IMMEDIATE RELEASE

DATE: March 18, 2016

CONTACT: Jim Martin, 603 271-3710

des.nh.gov

twitter.com/NHDES

NHDES Receives Initial Drinking Water Well Tests for Perfluorooctanoic Acid (PFOA) in Southern New Hampshire

Concord NH - The New Hampshire Department of Environmental Services (NHDES) has received the drinking water well test results from an initial round of testing for Perfluorooctanoic Acid (PFOA) in Merrimack and Litchfield, New Hampshire. The test results show levels of PFOA from 17 to 820 parts per trillion. Test results from the Merrimack Village Water District ranged from 17 to 90 parts per trillion.

The United States Environmental Protection Agency (EPA) has not set an enforceable drinking water standard for PFOA under the federal Safe Drinking Water Act. EPA's Office of Water has, however, established a Provisional Health Advisory (PHA) of 0.4 micrograms per liter ($\mu\text{g/L}$) or 400 parts per trillion for PFOA. That level is set based upon short-term contact and the EPA is currently developing guidance for long-term exposure levels, which EPA is expected to release in the near future. Since EPA has not yet established a Health Advisory for lifetime exposure to PFOA, NHDES, out of an abundance of caution, has decided to provide bottle drinking water to locations using a private well for drinking water for human consumption that contains over 100 parts per trillion of PFOA. NHDES will reassess this situation once EPA provides more definitive guidance.

The Merrimack Village Water District public water supply wells all tested below both the PHA of 400 parts per trillion and the level at which NHDES determined it would be appropriate to initially provide bottled water. Based on this first round of testing, NHDES has initiated additional testing of drinking water wells in both Merrimack and Litchfield.

PFOA, a perfluorochemical (PFC), is part of a family of manmade chemicals that were used for decades as ingredients to make products that resist heat, oil, stains, grease, and water, such as non-stick cookware, weather resistant outdoor clothing and gear, and stain resistant carpeting. Many chemicals in this group, including PFOA, are commonly present in the environment and do not break down easily.

Studies have shown that nearly all people have some level of PFCs in their blood. Potential

health effects from exposure to low levels of PFCs are not well understood. To date studies have not provided consistent answers as to whether PFCs can affect growth and development, hormone levels including thyroid hormone, liver enzyme levels, cholesterol levels, immune function or occurrence of certain types of cancer.

NHDES and the Division of Public Health Services, in coordination with the Towns of Merrimack and Litchfield, invite the public to Public Information Meetings to be held in the Towns of Merrimack and Litchfield to discuss the results of recent drinking water tests related to an investigation of the presence of PFOA in drinking water. Below is the meeting information:

Merrimack: **(NOTE: UPDATED LOCATION)**

Wednesday, March 23, 2016, 7:00 p.m.

James Mastricola Upper Elementary School all-purpose room

26 Baboosic Lake Road, Merrimack, NH 03054

Litchfield:

Thursday, March 24, 2016, 7:00 p.m.

Litchfield Middle School cafeteria

19 McElwain Drive, Litchfield, NH 03052

For background, the investigation into the potential presence of perfluorochemicals (PFCs) in drinking water in Merrimack, began several week ago when Saint-Gobain Performance Plastics notified NHDES that perfluorooctanoic acid (PFOA) was detected at low levels [0.03 micrograms per liter ($\mu\text{g/L}$)] in samples taken from four water faucets within their Merrimack facility, which is served by the Merrimack Village District Water System. PFOA has been detected in the Hoosick Falls, NY, water supply and in some private wells in North Bennington, VT, near other Saint-Gobain facilities. Because materials containing PFOA have been used at the plant in Merrimack and out of an abundance of caution, Saint-Gobain voluntarily tested the water at its Merrimack facility and intends to test the groundwater at its facility.

For more information, please visit the NHDES website at www.des.nh.gov or call Jim Martin, NHDES at (603)-271-3710.

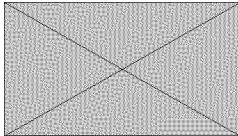
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James Martin

Public Information Officer

Office: 603 271-3710

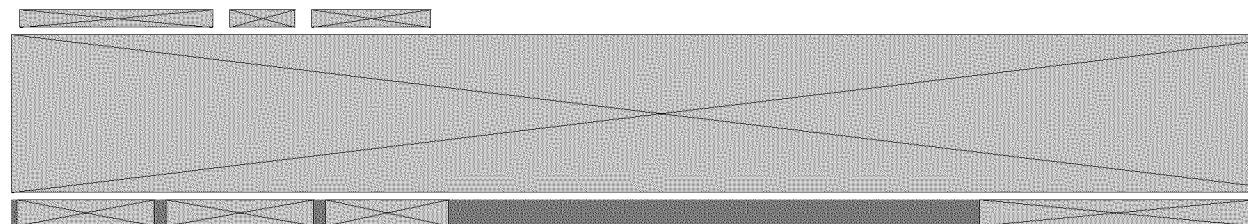
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NEWS

Air Pollution

[Eighth Circuit Affirms EPA Haze Plan for Minnesota](#)

The Eighth U.S. Circuit Court of Appeals again has upheld an Environmental Protection Agency-approved plan for reducing haze in the Boundary Waters Canoe Area Wilderness in northeastern Minnesota (Nat'l Conservation Ass'n v....

Air Pollution

[Volkswagen Sued for \\$3.7B in Germany Over Diesel Scandal](#)

Volkswagen AG is being sued for 3.3 billion euros (\$3.7 billion) over the cover-up of its polluting diesel engines, its biggest legal challenge in Germany after a wave of lawsuits in the U.S. centered on the scandal....

Air Pollution

[Volkswagen U.S. Unit Destroyed Evidence, Ex-Worker Suit Says](#)

Personnel at Volkswagen AG's U.S. unit in Michigan destroyed evidence after the U.S. announced last year that the company had installed illegal devices on hundreds of thousands of vehicles to cheat emissions tests, a former employee...

Air Pollution

[White House Threatens Veto of Coal Refuse Emissions Bill](#)

If Congress passes a bill (H.R. 3797) that would alter the way coal refuse power plants are regulated under a pair of Environmental Protection Agency air pollution rules, White House staff would recommend that President Barack Obama veto the...

Chemicals

[Geneticist to Testify at Birth Defect Trial Against AES](#)

A geneticist may testify in a trial set to begin April 4 that severe congenital abnormalities in children

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were caused by in utero exposure to coal ash waste illegally deposited by AES Corp. near a beach in the Dominican Republic (Pallano v. AES...

Chesapeake Bay

Maryland Phosphorus Rules Based on Soil Testing

Two-thirds of farm fields on Maryland's Lower Eastern Shore will be subject to new regulations intended to limit phosphorus runoff into the Chesapeake Bay, the state Department of Agriculture announced March 14. Of those two-thirds,...

Congress

Senate Action Seen on GMO, Energy Bills Before Break

Senate Republican leaders are working to pass a half-dozen or more items before lawmakers leave for a two-week break March 17, including a long-delayed comprehensive energy bill and a fix for Michigan's drinking water crisis....

Drinking Water

Capitol Hill, Officials Point Fingers Before Flint Hearings

In the days before the House Oversight and Government Reform Committee convenes what may be its highest profile hearings yet on the drinking water crisis in Flint, Mich., entities on all sides sought to put their ducks in a row in the public's...

Drinking Water

PFOA Undetectable in Hoosick Falls Water, Cuomo Says

Filtration of the water supply in Hoosick Falls, N.Y., has brought perfluorooctanoic acid (PFOA) contamination to undetectable levels, New York Gov. Andrew M. Cuomo (D) announced. The state Health Department will continue to test water...

Energy

Companies Demand Fix for Investment Tax Credit Extension

A year-end budget deal extending a prized renewable energy tax break had one major flaw, industry lobbyists say: It mistakenly cut out technologies such as geothermal, fuel cells and smaller wind projects. Now, dozens of energy companies...

Energy Efficiency

DOE Rule Would Increase Commercial Boiler Energy Efficiency

An Energy Department proposed rule would slightly increase the energy efficiency for commercial packaged boilers used to heat businesses, but energy efficiency advocates say the proposed standards aren't strong enough....

Energy

House Passes Two FERC Bills, One Energy Efficiency Bill

The House passed three energy bills by voice vote March 14, including the Fair RATES Act (H.R. 2984), which would amend the Federal Power Act so that proposed rate changes would go into effect after 60 days if the Federal Energy Regulatory Commission...

Enforcement

Canada Finalizes Fines for Offshore Environmental Damage

Canada finalized a series of regulations to allow for fines of up to C\$100,000 (\$74,000) a day for environmental damage caused by offshore oil and gas activity, to boost "no fault" liability limits for offshore operators to C\$1 billion...

Enforcement

Lawyers: Flint Criminal Probe Likely Excludes Water Charges

Everyone from members of the general public to presidential hopefuls have called for those

responsible for the Flint, Mich., drinking water crisis to be identified and held accountable, but few have offered specifics on how to harness the...

EPA

Inspector General Examines Information Security at EPA

The Environmental Protection Agency's Office of Inspector General announced March 14 it would examine how well the agency protects personally identifiable and national security information. ...

Hydraulic Fracturing

\$4.2 Million Fracking Verdict Likely to Spark More Suits

A recent jury verdict and \$4.2 million award in favor of two Pennsylvania families who alleged fracking operations contaminated their wellwater is likely to trigger the filing of more, similar suits, sources told Bloomberg BNA....

Hydraulic Fracturing

Ohio Water Methane Linked to Coal, Not to Fracking

An independent academic study of methane pollution in water wells in Ohio concluded that naturally occurring coalbed methane, not hydraulic fracturing, is the culprit....

Oil & Gas

Keep Atlantic Coast in Leasing Plan: Oil-Gas Groups

Lobbyists have been hearing that the next stage of a planned five-year offshore leasing program for oil and natural gas exploration may be issued this week, galvanizing industry associations to renew their calls for Atlantic exploration...

Oil & Gas

Offshore Drilling Battleground Virginia to Learn Fate

From the shores of Savannah, Ga., to the Beaufort, N.C. beachfront, coastal communities in conservative Southern states have locked arms in opposition to oil and gas drilling in the Atlantic waters lapping their shores....

Radioactive Waste

Grijalva Presses EPA to Tackle South Florida Waste Leakage

The top Democrat on the House Natural Resources Committee is pushing the Environmental Protection Agency to stop a South Florida power plant from leaking radioactive waste into surrounding waters following a scathing local government report...

Renewable Energy

Solar Debate Heads to Foggy Maine; Panels Are Scarce

Despite long winters, a famously foggy coastline and relatively few solar panels in operation, Maine is emerging as a pivotal U.S. state for determining how consumers will pay for power generated by the sun....

Renewable Energy

Toyota, Partners Begin Hydrogen Supply Chain Project

Toyota Motor Corp. and partners will begin a project to use hydrogen produced from renewable energy to power forklifts and test the feasibility of a low-carbon hydrogen supply chain....

Risk Assessment

EPA Publishes Risk Management Program Revision

The Environmental Protection Agency published a revision (RIN 2050-AG82) to its Risk Management Program in the Federal Register (81 Fed. Reg. 13,638) on March 14. The agency on Feb. 25 floated the proposal, which amends the RMP's accident...

Trade

Canada Shut Out of Solar Case

The governments of Canada and eight of its provinces cannot take part in litigation challenging U.S. countervailing duties on Chinese solar panels, the Court of International Trade ruled March 14 (Changzhou Trina Solar Energy Co. v. United...

Trade

DOE Proposed Import Reporting Requirement Criticized

A proposal to require importers of products or equipment subject to an energy conservation standard to provide the Energy Department with certain electronic data before items may be imported into the U.S. came under fire by the Retail Industry...

Water Pollution

Power Plants Petition for Water Rule Rehearing

The Utility Water Act Group asked the full U.S. Court of Appeals for the Sixth Circuit to rehear a petition on whether a federal appeals court is the appropriate venue to hear challenges to the Clean Water Rule (Ohio v. U.S. Army Corps of Eng'rs...

INTERVIEW

Coal Mining

Joe Pizarchik: From Coal-Country Kid to Top Coal Regulator

The Octagon Room served as the nerve center for British and U.S. military chiefs during World War II and was used to plan the defeat of Nazi Germany. The historic office now belongs to Joe Pizarchik, who says working there gives him some perspective...

REGULATORY AGENDA**Comment Deadlines****MARCH 14 FEDERAL REGISTER****MARCH 15 FEDERAL REGISTER**

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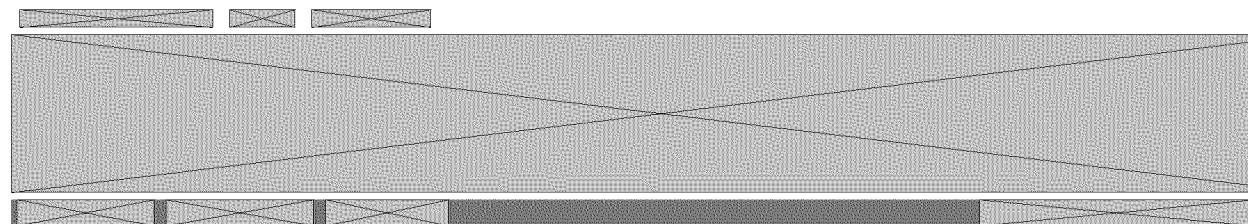
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NEWS

Air Pollution

[Comment Period Open on Sulfur Designations](#)

The Environmental Protection Agency will accept comments through March 31 on its proposal to designate 12 areas as being in nonattainment of the 2012 national ambient air quality standards for sulfur dioxide. The agency on Feb. 17 released...

Air Pollution

[Environmental Groups Seek to Defend Refinery Rule](#)

A coalition of 11 environmental and public health groups want to help the Environmental Protection Agency defend its 2015 revised air pollution standards for refineries from industry lawsuits (Am. Fuel & Petrochemical Mfrs. v. EPA,...

Air Pollution

[EPA Says Ozone Designations Consistent With Past](#)

The process for designating areas under the 2015 national ozone standards will largely be consistent with the Environmental Protection Agency's process under past standards, the agency said in a guidance document....

Air Pollution

[U.K. Could Face Tougher EU Pollution Rules if It Quits Bloc](#)

If Britain departs from the European Union, the action could free up officials in Brussels to tighten air-pollution regulations everywhere in the region—including in the U.K.—because of a twist in the free-trade laws likely...

Air Pollution

[VW Official Says Diesel Talks Could Still Take Months](#)

Almost six months after Volkswagen AG's emissions cheating became public, Chief Executive

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Officer Matthias Mueller said talks with U.S. regulators on fixing the rigged engines may take a few more weeks or months....

Chemicals

Buffalo Childhood Lead Poisoning Prevention Funded

A Buffalo community organization will receive \$346,835 for hazard intervention and remediation programs to address lead in the city's homes, New York Attorney General Eric T. Schneiderman (D) announced Feb. 28....

Chemicals

Casey's Office Vows EPA Outreach Over Asbestos Site

Staff for Sen. Bob Casey (D-Pa.) plan to reach out to the Environmental Protection Agency to press constituent concerns over ongoing health risks posed by asbestos near former Superfund sites in Ambler, Pa., Casey's spokesman told Bloomberg...

Chemicals

Immunotoxicity From PFOA, PFOS Analyzed in Report

The National Toxicology Program will release for public comment by June 7 a draft monograph analyzing the immunotoxicity effects resulting from exposure to perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). A peer review...

Chemicals

States to Focus on Flame Retardants, Chemical Disclosure

In 2016, states with Republican- and Democratic-controlled legislatures are expected to consider bills to phase out flame retardants, increase chemical disclosure and reduce children's exposure to lead, cadmium and other chemicals....

Chesapeake Bay

Supreme Court Declines to Hear Appeal to Chesapeake Bay Plan

The U.S. Supreme Court Feb. 29 declined to hear a petition by the American Farm Bureau Federation challenging the legality of a cleanup plan to restore the Chesapeake Bay (Am. Farm Bureau Fed'n v. EPA, U.S., 15-00599, 2/29/16)....

Climate Regulation

Report Warns of Increasing Petrochemical Emissions

Forty-four petrochemical facilities proposed or permitted in 2015 could increase greenhouse gas pollution by 86 million tons a year, according to a Feb. 29 report from the Environmental Integrity Project. Those emissions would be the equivalent...

Climate Regulation

Washington State Regulators to Rewrite Carbon Rule

Washington state business welcomed the announcement by the Department of Ecology that it is withdrawing for rewrite a draft rule that would require entities emitting at least 100,000 metric tons of greenhouse gases annually to cut carbon...

Coal Mining

Republicans Seek Interior Justification for Coal Lease Halt

The Interior Department must send its legal justification to Congress for a recent decision to halt most new coal leases and to reassess the environmental impacts of its coal program, several Republicans in Congress told Interior Secretary...

Drinking Water

Elevated PFOA Found in 29 Percent of Hoosick Falls Wells

The chemical perfluorooctanoic acid (PFOA) has been found at levels exceeding a federal advisory

level of 100 parts per trillion in 29 percent of the public and private wells recently tested by New York in Hoosick Falls, N.Y., the state Department...

Endangered Species

Idaho Details Objections to Sage Grouse Rules

Idaho's governor and Legislature filed a brief detailing their arguments that new federal protections for greater sage grouse birds violated federal laws on environmental analysis and land management (Otter v. Jewell, D.D.C., No....

Energy

Canada, China Agree to Cooperate on Clean Energy

Canada and China have agreed to cooperate on clean technology initiatives, Natural Resources Canada said. The Joint Declaration on Canada-China Clean Technology Cooperation calls for the countries to share best practices in setting clean...

Energy

Chinese Coal Use Drops Amid Nuclear, Renewables Rise

China consumed about 4 percent less coal last year while renewable energy from solar power grew almost three-quarters, underscoring President Xi Jinping's drive to reduce pollution and cut industrial overcapacity....

Energy

House Passes Advanced Nuclear, Other Energy Bills

The House voted Feb. 29 to pass legislation that would require the Energy Department to prioritize the development of advanced nuclear reactors....

Energy

India Doubles Coal Tax, Risks Higher Electricity Costs

To help reduce pollution, India doubled the clean-energy tax on coal, risking higher electricity-generation costs at a time when the government is seeking to revive ailing power distributors....

Enforcement

British Columbia Mines Penalties Could Rise to \$1M

Proposed amendments to British Columbia's Mines Act introduced Feb. 25 would strengthen the province's regulatory oversight of the mining industry and give the provincial Ministry of Energy and Mines additional compliance and...

Enforcement

Lockheed to Pay \$5 Million Over RCRA Violations

Lockheed Martin Corp. and two subsidiaries have agreed to pay \$5 million in penalties over false claims submitted to the Energy Department for payments connected to contracted work at a uranium enrichment facility in Paducah, Ky., the Justice...

Enforcement

Ontario Gold Mine Fined for Illegally Dumping Effluent

An Ontario gold mine was fined C\$350,000 (\$259,000) for illegally dumping effluent containing cyanide and metals into a fish-bearing stream. The Ontario Court of Justice levied a C\$175,000 (\$129,500) fine against Wesdome Gold Mines Ltd....

Environmental Justice

Bill Would Incentivize Environmental Justice Efforts

Rep. John Lewis (D-Ga.) introduced a bill that would encourage universities and others to address environmental issues addressing low-income and minority communities. The Environmental Justice Act of 2016 (H.R. 4645) would establish...

Environmental Reviews

Voters Reject Mall That Skirted California Review

A regional mall that skirted state environmental review through the ballot initiative process has been rejected by voters in Carlsbad, Calif. "While we had hoped for a different outcome, we are proud of our effort, our plan, the integrity..."

EPA

McCarthy Touts EPA's Role as Public Health Agency

The ongoing water contamination crisis in Flint, Mich., and the effects of a warming climate underscore the Environmental Protection Agency's role as a public health organization, Administrator Gina McCarthy said....

International Climate

Ontario Unveils Cap-and-Trade Details for 2017

Companies with more than 25,000 metric tons of greenhouse gas emissions annually will be required to take part in Ontario's emissions cap-and-trade program when it starts next year, the government announced....

Legislation

Cornyn: Holds Remain on Energy Bill, Flint Package

Multiple holds remain on a legislative deal that would bring stalled energy legislation and aid for Flint, Mich., to the Senate floor, Sen. John Cornyn (R-Texas) told reporters Feb. 29....

Pesticides

Colorado: Two Marijuana Growers Used Unsafe Pesticides

Colorado has issued public health and safety advisories after identifying potentially unsafe pesticide residues on marijuana products produced by two growers in the state....

Pipeline Safety

Cuomo Seeks Halt of Algonquin Gas Line for Safety Review

New York Gov. Andrew Cuomo urged federal energy regulators to suspend construction on Spectra Energy Corp.'s Algonquin natural gas pipeline until an analysis of the safety risks is completed....

Pipeline Safety

House Pipeline Safety Draft Differs From Senate Bill

A House subcommittee will consider March 1 draft pipeline safety reauthorization legislation that somewhat overlaps with a Senate bill expected to pass this week....

Radioactive Waste

Lawmakers Seek GAO Study of DOE's Ability to Complete Yucca

Reps. Fred Upton (R-Mich.) and John Shimkus (R-Ill.) asked the Government Accountability Office to study whether the Energy Department is able to complete the review of the Yucca Mountain nuclear waste license application. ...

Renewable Energy

Markey to Propose Extending Credit to Spur Offshore Wind

Sen. Edward J. Markey (D-Mass.) plans to introduce legislation "soon" to extend a federal tax credit that will spur wind-farm development in coastal waters....

Renewable Energy

Turbine Developer: U.S. Offshore Wind Must Think Big

Offshore wind companies need to install 500 megawatts annually for the next 15 years for the

technology to make economic sense in the U.S., according to Dong Energy A/S, the world's biggest developer of sea-based turbines....

Solid Waste

Cuomo Announces Plan to Widen N.Y. Solid Waste Controls

State controls would be extended over previously unregulated solid waste streams and rules for existing landfills and other waste facilities would be tightened, under a set of proposed regulations announced Feb. 29 by New York Gov. Andrew...

Superfund

Colorado Governor Seeks Superfund Cleanup of Gold King Mine

Colorado Gov. John Hickenlooper (D) asked the Environmental Protection Agency to expedite Superfund cleanup for the mining district near Silverton, Colo., where EPA investigators triggered the spill of some 3 million gallons of mining...

Trade

Canada-EU Amendments Address Environmental Regulation

Environment Minister Catherine McKenna Feb. 29 called the proposed Canada-European Union trade deal a "perfect example" of the complementary nature of environmental and economic policies. ...

Water Pollution

Inhofe Demands EPA Response Over Water Rule Promotion

Sen. James Inhofe (R-Okla.) wants to know why the Environmental Protection Agency still hasn't reported that it violated federal appropriations laws by promoting its Clean Water Act jurisdiction rule through social media....

Water Pollution

Rehearing Sought in Venue Ruling for Water Rule Lawsuits

The full U.S. Court of Appeals for the Sixth Circuit has been asked to consider a ruling by a three-judge panel of the court on whether it is the appropriate venue to hear challenges to the a rule clarifying the scope of Clean Water Act jurisdiction...

BNA INSIGHTS

An In-Depth Look Into the Role of Environmental Liability Transfers During Corporate Divestitures

The pace of change in market conditions today is moving at unprecedented speeds. New industrial technologies and cleaner energy solutions are forcing well-established corporations and traditional energy providers to pivot to accommodate...

SPECIAL REPORT

Chemicals

Making In Vitro Chemical Data Useful for Decisions

Scientists working for federal agencies, chemical manufacturers and other institutions are working to combine information from in vitro chemical bioactivity tests and computer models with exposure estimates to provide useful information...

INTERVIEW

Climate Change

Ted Lieu Sees Prosecution of Fossil Fuel Companies Ahead Over Climate Denial

Rep. Ted Lieu (D-Calif.) just arrived in the House in 2015 but has already been outspoken in urging the federal government to investigate whether fossil fuel companies intentionally hid the truth about the risks of climate change. In a Feb....

REGULATORY AGENDA

Water Pollution

Rehearing Sought in Venue Ruling for Water Rule Lawsuits

The full U.S. Court of Appeals for the Sixth Circuit has been asked to consider a ruling by a three-judge panel of the court on whether it is the appropriate venue to hear challenges to the a rule clarifying the scope of Clean Water Act jurisdiction...

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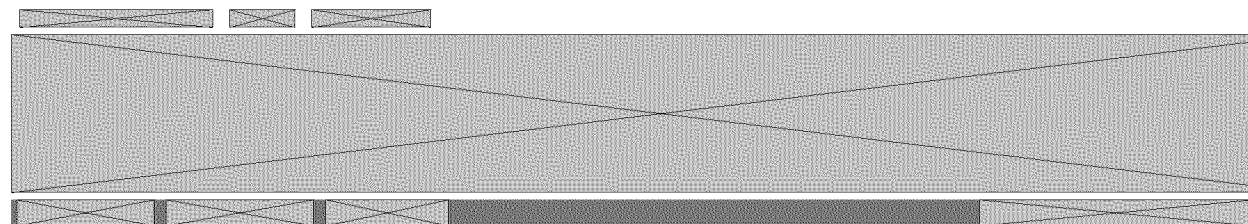
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NEWS

Air Pollution

[20 States Ask Supreme Court to Stay EPA Mercury Rule](#)

A coalition of 20 states led by Michigan asked the U.S. Supreme Court to stay implementation of a multibillion-dollar rule to limit mercury emissions from power plants, a development that attorneys said will test the high court's willingness...

Air Pollution

[Court Upholds Federal Plan for Haze in Arizona](#)

A federal appeals court upheld the Environmental Protection Agency's decision to impose a federal plan setting emissions limits on a coal-fired power plant in Arizona after partially rejecting the state's plan as inadequate (Arizona...

Air Pollution

[EPA Ends Recordkeeping Requirements for Pollutant](#)

Businesses will no longer be subject to recordkeeping and reporting requirements under the Clean Air Act related to the use of t-butyl acetate, which is used as a solvent in paints, inks and adhesives. The agency, in a final rule scheduled for...

Air Pollution

[EPA Keeps Testing Component in Sewage Sludge Plan](#)

A final federal plan to implement sewage sludge incinerator emissions guidelines in states that choose not to develop their own plans will not include a revised testing procedure sought by sewage system operators....

Air Pollution

[Haze Lawsuit to Continue After Cross-State Ruling](#)

Lawsuits challenging a 2012 Environmental Protection Agency rule that allowed states to use

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emissions trading under the Cross-State Air Pollution Rule to fulfill obligations under the regional haze program will finally be allowed to continue,...

Air Pollution

India's Air Pollution Levels Said to Surpass China's

The average Indian faced more particulate pollution than the average Chinese person in 2015, the first time on record, Greenpeace India said in a study. Air pollution levels in India, especially North India, have risen over the past decade...

Biotechnology

Senate Moving to Invalidate State GMO Laws

Congress may be headed for an election-year decision on whether to help big food companies that don't want to comply with a new Vermont state law designed to give consumers more information about what is on their plates....

Chemicals

California Study Finds PBDEs Levels Lower in Breast Milk

Levels of polybrominated diphenyl ethers (PBDEs) found in breast milk of California women have dropped dramatically since the state's 2008 ban on the manufacture and sale of products with the flame retardant, according to a study by...

Chemicals

Seven Chemicals May Cause Human Cancer, WHO Agency Says

The International Agency for Research on Cancer has classified seven widely used chemicals as either probably or possibly carcinogenic to people, the agency announced Feb. 24....

Climate Change

Bill Gates Q&A on Climate Change: 'We Need a Miracle'

All we need is an energy miracle. So came the call from Bill Gates on Feb. 22 with the release of his annual letter. ...

Climate Change

Free-Market Groups Urge Congress to Oppose Carbon Tax

Twenty free-market organizations released a letter Feb. 24 urging Congress against pursuing any sort of carbon tax because they said allowing one would harm the nation's economy....

Climate Change

Investors Seek Vote on Climate Proposal at Exxon Mobil

Investors representing more than \$1 billion in Exxon Mobil Corp. shares are asking the Securities and Exchange Commission to let a shareholder resolution on climate change onto the company's proxy....

Climate Change

McKenna: Canada Will Review 'Climate Test' Call

Canada will review a proposal by environmental groups for a "climate test" that would call on policy makers to consider international climate change goals before approving major new energy projects....

Climate Regulation

McCarthy: EPA Underestimated Methane From Oil and Gas

The Environmental Protection Agency has been "substantially" underestimating emissions of methane from the oil and natural gas sector, and that could drive new agency regulations going forward, Administrator Gina McCarthy said...

Corporate Responsibility

Vermont Pension Board Softens Stance Against Coal Divestment

Vermont Gov. Peter Shumlin's effort to divest the state of coal, gas and oil stocks inched forward Feb. 23 when a pension committee voted to vet the issue....

Drinking Water

Class Action Filed Over PFOA Contamination in N.Y.

Residents of Hoosick Falls, N.Y., filed a class action lawsuit Feb. 24 in federal court against Saint-Gobain Performance Plastics Corp. and Honeywell International Inc., seeking damages for contamination of their water supply with perfluorooctanoic...

Drinking Water

EPA Recommends Bottled Water in PFOA Contaminated Areas

The Environmental Protection Agency is urging people to use bottled water for cooking and drinking in areas such as Hoosick Falls in upstate New York where tap water has been found to contain concentrations well over the EPA's provisional...

Drinking Water

Flint Deal Paves Way for Senate Action on Energy Bill

A deal announced Feb. 24 that would steer federal funding to help Flint, Mich., fix its lead-tainted drinking water system paves the way for the U.S. Senate to resume debate on broad energy legislation....

Elections

Climate Activists Use Cameras to Put Pressure on Clinton

Griffin Sinclair-Wingate was pressed against the edge of the stage after a debate in New Hampshire when he got his crack at Hillary Clinton....

Emissions Trading

Guangdong to Include New Industries in Carbon Exchange

China's southern province of Guangdong is planning to expand the number of industries to be included in its carbon-trading exchange amid steps to integrate the regional trading program into a planned national emissions exchange....

Energy

Energy Department Promotes More Research

The Energy Department announced Feb. 24 the launch of its Energy Materials Network to enhance collaboration on research and development of advanced materials. The initiative will use funding channeled through the department's Office...

Energy

Justices Appear Convinced State Subsidy Enters FERC Turf

The majority of the U.S. Supreme Court justices appeared convinced during oral arguments that a Maryland subsidy program to encourage new electricity generation in the state crossed into the Federal Energy Regulatory Commission's...

Energy

Moniz: Aliso Canyon Takeaway Is Aging Infrastructure

The recent gas leak in Southern California highlights the importance of addressing the aging energy infrastructure, Energy Secretary Ernest Moniz said Feb. 24 in Houston....

Energy

Sixth Circuit Says Gas Storage Case Should Be Stayed

A suit brought by 40 landowners against a natural gas company should be stayed, not dismissed,

pending a class certification decision in an earlier filed case, the U.S. Court of Appeals for the Sixth Circuit ruled Feb. 24 (*Baatz v. Columbia Gas...*

Environmental Justice

'Conservative' for States to Develop Power Plans: White House

Preparing to comply with the Clean Power Plan would be the "conservative" option for states and communities seeking the environmental benefits despite the U.S. Supreme Court's decision to halt the rule's implementation,...

Hazardous Waste

HHS Agency Seeks Public Review on Bromopropane, Jet Fuel

The Agency for Toxic Substances and Disease Registry (ATSDR) floated two new toxicological profiles for public review in a Federal Register notice Feb. 24 as part of a long-standing effort to identify hazards at defense facilities....

Hydraulic Fracturing

Colorado Lawmakers Kill Bill to Stop Fracking Bans

A Colorado legislative committee Feb. 24 defeated a bill (H.B. 1181) that would have required local governments to compensate mineral royalty owners when a local ordinance banning hydraulic fracturing prevents them from recovering oil...

Insurance

Insurer Owes No Coverage to Condo for Mold Cleanup

An insurer owes no coverage for a condominium management company's mold abatement because it had no legal obligation to conduct the cleanup, the Eighth Circuit ruled Feb. 24 (*Busch Prop. Inc. v. Nat'l Union Fire Ins. Co. of Pittsburgh*,...

International Climate

Decline of Power Plant Emissions Likely Without EPA Limits

Carbon pollution from the U.S. power sector will likely continue to fall sharply through 2025 with or without Obama administration carbon pollution limits recently put on hold by the U.S. Supreme Court, an analyst said Feb. 24....

International Climate

No Reason to Deepen EU Carbon Goal Now, Group Says

Europe should not toughen its pollution-reduction goals in immediate reaction to a global climate agreement reached in Paris in December, according to the region's biggest association of employers....

Mining

Murray Energy: Mining Rule Would Eliminate Coal Industry

A pending mining waste rule would drive between 40,000 and 77,000 coal miners out of work and slash as much as \$58.7 billion from the gross domestic product, a mining company official told a House subcommittee Feb. 24....

Mining

Peabody Energy No Longer Able to Self-Bond, Group Alleges

WildEarth Guardians has given Peabody Energy notice of intent to sue, saying the financial condition of the large mining company means it no longer qualifies to "self-bond" its mines in Colorado, New Mexico and Wyoming. ...

Pesticides

European Commission to Propose Glyphosate Reapproval

The European Commission will propose to renew until 2031 the authorization in the European

Union of the widely used pesticide glyphosate, according to a draft regulation obtained by Bloomberg BNA....

REACH

REACH Enforcement Project Finds High Level of Compliance in EU

A coordinated enforcement project involving 18 countries turned up only three breaches of decisions taken under the European Union's REACH regulation to phase out two hazardous substances, the European Chemicals Agency (ECHA) said...

Regulatory Policy

No Consensus on Fixing Unfunded Mandates Act

Although there is broad agreement that the Unfunded Mandates Reform Act of 1995 has holes and needs to be fixed, no consensus about how to do that emerged from a Senate hearing on the issue....

Regulatory Policy

Zombie Working Group May Come Back to Life: Lankford

A bipartisan working group in the Senate tasked with crafting a package of changes to the regulatory process has fallen apart for the moment, although Republicans are hopeful that Democrats will come back to the table, said Sen. James Lankford...

Renewable Energy

Brooklyn Site Seen as Base to Build Offshore Wind Farm

Deepwater Wind LLC, the company building the only U.S. offshore wind farm, is looking at a Brooklyn waterfront site as a staging ground as it pursues a potential project off the south shore of Long Island, according to a person familiar with the...

Sustainability

Gore Sees Sustainable Investments Eclipsing 'Tens of Trillions'

Al Gore started an investment business a dozen years ago, aiming to put money in the sort of companies that aligned with his vision of a world in transition....

Trade

U.S. Prevails in WTO Dispute Against India's Solar Program

A World Trade Organization dispute panel backed U.S. allegations that India's national solar program violated international trade rules and unfairly discriminated against imported solar cells and modules. ...

Vehicle Fuels

Inhofe: Congress Must Act on Fuel Standard by 2022

Congress must decide what to do with the renewable fuel standard by 2022 to prevent the Environmental Protection Agency from having full control over it, Sen. James Inhofe (R-Okla.) said Feb. 24 at an oversight hearing on the requirements for...

Water Pollution

NPDES Permit for Beef Plant Can Transfer to New Owner

The city of Brawley, Calif., has approved the transfer of a Clean Water Act discharge permit held by the prior owner of a beef plant to the prospective proprietor....

Water Pollution

Research: Microplastics in Rivers Despite Treatment

Thousands and perhaps millions of tiny shards of plastic that are less than 5 millimeters wide are entering urban rivers in Illinois every day after eluding capture at wastewater treatment plants, according to research by Chicago-based Loyola...

Water Resources

Lawmakers Soften Criticism of Water Project Work

The U.S. Army Corps of Engineers is getting better at reviewing potential water infrastructure projects and reporting them to Congress but still needs improvement, lawmakers told corps leaders Feb. 24....

Water Resources

Texas Supreme Court Lets Stand Drought Rules Invalidation

A ruling that invalidated emergency drought rules allowing Texas's water regulator to suspend some junior water rights, but not those held by power generators and cities for public health, safety and welfare concerns, will stand after...

REGULATORY AGENDA

Comment Deadlines

FEBRUARY 24 FEDERAL REGISTER

FEBRUARY 25 FEDERAL REGISTER

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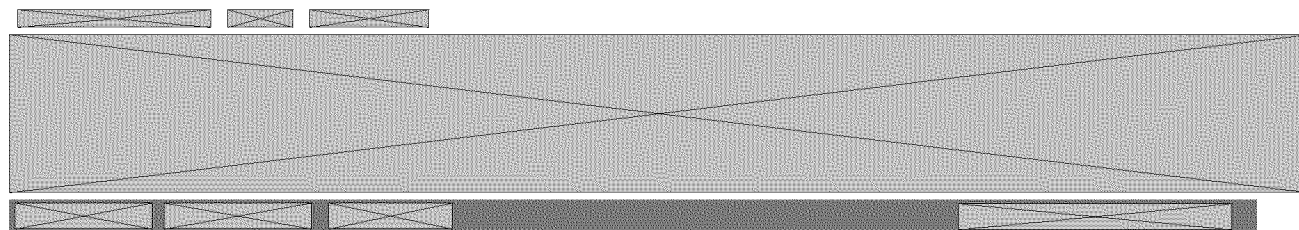
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Afternoon Briefing - Your Preview of Today's News

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Methane From Oil, Gas Sector Higher Than Thought: EPA Chief

Posted February 24, 2016, 4:21 P.M. ET

By [Nushin Huq](#)

Methane emissions from the oil and gas sector are much higher than the Environmental Protection Agency previously thought, Administrator Gina McCarthy said today in Houston.

The most recent greenhouse gas inventory revealed higher levels from all parts of the energy sector, from storage to pipelines, McCarthy said. While emissions have not necessarily gone up, she said, the new report better captures data.

Voluntary agreements on emission reductions have not been as productive with the oil and gas industry compared to other industries, such as utilities and mining, McCarthy said at the IHS CERAWeek conference.

EPA will finalize its methane rules to regulate emissions from new oil and gas wells this spring, McCarthy said. When asked if this means the EPA will regulate natural gas more, she said, "We already are."

20 States Ask U.S. Supreme Court to Stay EPA Mercury Rule

Posted February 24, 2016, 12:45 P.M. ET

By [Patrick Ambrosio](#)

A coalition of 20 states, led by Michigan, asked the U.S. Supreme Court to stay implementation of a multibillion-dollar rule limiting mercury emissions from power plants.

The states, in a [petition](#) filed today, said a stay is appropriate because the Supreme Court already decided in June 2015 that the Environmental Protection Agency violated the Clean Air Act when it failed to consider cost in making a finding that it was "appropriate and necessary" to regulate those emissions. That EPA finding triggered a requirement that the agency move ahead with a rulemaking process that resulted in promulgation of the Mercury and Air Toxics Standards.

The Supreme Court, in its 2015 opinion authored by Justice Antonin Scalia, remanded the rule back to the D.C. Circuit, which opted in December to leave the regulation in place while the EPA works to address the Supreme Court's holding.

"This is an unmistakable example of agency overreach," the states said today. "An executive agency strayed far beyond the limited authority the legislative branch gave it, and then, when this court corrected the agency's error, the EPA requested on remand that the unauthorized, unlawful regulation should be left in place to have the force of law."

The states argued that a stay is even more warranted for the MATS rule than it was for the Clean Power Plan, the Obama administration's carbon dioxide standards for power plants. The Supreme Court, in a 5-4 order issued prior to Scalia's death, granted a stay of the Clean Power Plan pending review by the D.C. Circuit and the Supreme Court.

Flint Legislation 'Hotlined,' Inhofe Says

Posted February 24, 2016, 2:53 P.M. ET

By [Ari Natter](#)

Legislation that would provide funding to help Flint, Mich., deal with its lead-tainted drinking water and in the process allow stalled Senate energy legislation (S. 2012) to proceed has been "hotlined," Sen. Jim Inhofe (R-Okla.) told Bloomberg BNA today.

The term refers to when the Senate majority leader and minority leader agree to bring a measure to the floor by unanimous consent, and use a special phone line to lawmakers' offices to see if there are any objections.

Inhofe said he expects to know if there are any objections later this afternoon. "I feel pretty optimistic that we'll go ahead and do it," Inhofe said. But he added that once the measure gets to the Senate floor: "It might not pass. It will take 60 votes."

'About 30' Energy Bill Amendments Possible as Part of Flint Deal: Cornyn

Posted February 24, 2016, 1:30 P.M. ET

By [Ari Natter](#)

A deal in the works to move back to stalled Senate energy legislation (S. 2012) includes a request to hold a voice vote on "about 30 amendments," Sen. John Cornyn (R-Texas) told reporters today.

In addition, "a handful of other items" would receive roll call votes, he said without elaborating.

Sen. John Thune (R-S.D.) said: "It sounds like they are close to reaching an agreement."

Power Emissions to Decline Even Without Clean Power Plan: Analyst

Posted February 24, 2016, 4:13 P.M. ET

By [Dean Scott](#)

Carbon pollution from the U.S. power sector is likely to continue to fall sharply through 2025 with or without Obama administration carbon pollution limits recently put on hold by the U.S. Supreme Court, an analyst said today.

U.S. carbon dioxide emissions from the sector would total nearly 2.08 billion metric tons in 2025 if the high court ultimately decides to overturn the power sector limits, according to John Larsen, director of the Rhodium Group and a former official with the Energy Department.

But Larsen characterized that as a relatively modest impact compared to if the carbon limits were untouched by the court and fully implemented by the Environmental Protection Agency. That scenario would bring the sector's total down to about 1.76 billion tons in 2025.

The impact of leaving the EPA limits in place is so small—just over 300 million metric tons—largely because of other positive trends that have little to do with the regulations, Larsen said, speaking at a forum held by the New America

think tank and the Center for Climate and Energy Solutions.

Two big factors, Larsen said, are declining costs of solar and wind energy, which he said will only continue to fall, and the five year-extension of solar investment and wind production tax credits included in the omnibus funding bill enacted in December.

Companies Face Class Action Over PFOA Contamination in N.Y.

Posted February 24, 2016, 2:35 P.M. ET

By [Amena H. Saiyid](#)

Residents of Hoosick Falls, N.Y., filed a class action [lawsuit](#) against Saint-Gobain Performance Plastics Corp. and Honeywell International Inc., holding the two companies responsible for contaminating the aquifer underlying the village with the perfluorooctanoic acid (PFOA).

The lawsuit also accuses the two companies of being responsible for the presence of PFOA in the municipal water supply, private wells and local aquifer, "creating a public health crisis for residents and hurting property values."

The Environmental Protection Agency on Jan. 28 recommended that people in the Town of Hoosick and Village of Hoosick Falls who have private wells with PFOA concentration of 100 parts per trillion or more use bottled water for cooking and drinking. The state of New York also in January declared the village to be a Superfund site, thereby activating emergency funds to address the problem.

The New York-based Weitz & Luxenberg P.C. filed the lawsuit on behalf of the village residents in U.S. District Court for the Northern District of New York.

Insurer Owes No Coverage to Condo Manager for Mold Cleanup

Posted February 24, 2016, 3:45 P.M. ET

By [Peter Hayes](#)

An insurer owes no coverage for a condominium management company's mold abatement because it had no legal obligation to conduct the cleanup, the Eighth Circuit [ruled](#) today.

Without a settled claim or a settlement or judgment arising from a suit, the management company wasn't "legally obligated to pay by reason of liability imposed by law," the court said. As a result, there is no coverage under Missouri law.

The management company voluntarily conducted abatement of mold caused by vinyl wallpaper that trapped moisture. Consent forms signed by each owner didn't include an admission of liability, but didn't include a release or settlement of potential claims the property owner might have against the management company.

Judge Lavenski R. Smith wrote the opinion. Judges Diana E. Murphy and Michael Melloy were also on the panel.

Dowd & Bennett in St. Louis represented Busch Properties.

Foland & Wickens in Kansas City represented National Union.

Seven Chemicals May Cause Human Cancer, WHO Agency Says

Posted February 24, 2016, 11:48 A.M. ET

By [Pat Rizzuto](#)

Hydrazine, a rocket propellant; 2-mercaptobenzothiazole, a chemical used in rubber; and dimethylformamide, an acrylic-fiber chemical have all been classified as probably carcinogenic to humans, a World Health Organization agency announced today.

A majority of the scientists that WHO's International Agency for Research on Cancer (IARC) asked to review seven

chemicals also classified tetrabromobisphenol A, a widely used flame retardant, as probably carcinogenic to humans.

The panel classified 1-bromopropane, a vapor degreaser; 3-chloro-2-methylpropene, an industrial chemical and seed fumigant; and dimethyl-p-toluidine, which is used to make dental materials, bone cements, industrial glues and artificial fingernail preparations, as possibly carcinogenic to humans.

Albemarle Corp., the Dow Chemical Corp. and the Chevron Corp. are among the companies that make some of these chemicals, some or all of which are produced in volumes of one million pounds or more per year.

IARC's conclusions about the hazards chemicals pose can affect how chemicals are labeled and the safety information that must be provided to workers. Its conclusions on these seven chemicals, reached during a Feb. 2-9 meeting of scientists, were published in the Lancet.

Justices Debate Whether State Subsidy Enters FERC Turf

Posted February 24, 2016, 1:58 P.M. ET

By [Rebecca Kern](#)

U.S. Supreme Court justices today questioned whether a Maryland subsidy encouraging new electricity generation in the state crossed into the Federal Energy Regulatory Commission's authority over the wholesale energy markets.

Justice Sonia Sotomayor appeared to side with the federal government in saying that the case represented conflict preemption, with Maryland's subsidy program intruding into FERC's mechanism for setting wholesale electricity rates.

Maryland ordered utilities to enter into 20-year contracts with CPV Maryland LLC to build a new generation facility, and bid into PJM Interconnection LLC capacity markets, which FERC oversees.

Scott Strauss argued on behalf of the Maryland Public Service Commission that the contracts that bid and cleared into PJM's markets did not distort market pricing. Strauss also said states have the authority to regulate and build new power plants and facilities as they see fit, which Maryland did in this case.

Hughes v. Talen Energy Marketing LLC was heard before eight justices, and was among the first cases argued at the Supreme Court since the death of Justice Antonin Scalia. A decision in the case is expected as early as April, analysts say.

Inhofe Urges Congress to Block EPA on Fuel Standard

Posted February 24, 2016, 12:38 P.M. ET

By [Renee Schoof](#)

Congress should reconsider the renewable fuel standard by 2022 to prevent the Environmental Protection Agency from having full control over it, Sen. James Inhofe (R-Okla.) said today.

Targeted amounts of total renewable fuels that must be blended into the fuel supply, including advanced and conventional, are set by law through 2022. After that, under current law, the EPA would decide how to administer the program.

The EPA has mismanaged the renewable fuel standard and should not be allowed to run the program on its own, Inhofe, chairman of the Senate Environment and Public Works Committee, said during an oversight hearing.

Inhofe said he wants the renewable fuel standard repealed, but did not propose any legislation to eliminate or change it during the hearing. Republicans and Democrats from farm states defend the renewable fuel standard.

Lawmakers Soften Criticism of Water Project Work

Posted February 24, 2016, 3:05 P.M. ET

By [Alan Kovski](#)

The U.S. Army Corps of Engineers is getting better at reviewing potential water infrastructure projects and reporting them to Congress but still needs improvement, lawmakers told corps leaders today.

The corps also needs to do a better job of explaining to local officials the complexities of how to propose a project that can make it through daunting bureaucratic complexities, members of the House Transportation and Infrastructure Committee said.

Neither point was disputed by the two witnesses, Jo-Ellen Darcy, assistant secretary of the Army for civil works, and Lt. Gen. Thomas Bostick, chief of engineers.

The 2016 annual project report, delivered by the corps to Congress in the first week of February, listed enough new or revised projects ready for congressional approval that both Republicans and Democrats appear mollified, in contrast to the bipartisan anger they expressed after the first such report was delivered in 2015 under authority of a 2014 law.

A Water Resources Development Act of 2016, if written and passed as promised by lawmakers, is expected to approve many of the projects in the latest annual report, although funding will not necessarily follow in all cases.

Study: Microplastics in Water Despite Wastewater Treatment

Posted February 24, 2016, 12:12 P.M. ET

By [Amena H. Saiyid](#)

Thousands and perhaps millions of tiny shards of plastic that are less than 5 millimeters wide are entering urban rivers in Illinois every day by eluding capture at wastewater treatment plants, according to a new Loyola University study.

Released today by the American Geophysical Union, the [findings](#) by assistant professor Timothy Hoellein and his team show that wastewater treatment plants were a source of microplastics in 80 percent of the 10 urban rivers examined in Illinois, “regardless of the size of the river or the size and type of wastewater treatment plant.”

Hoellein estimates that between 15,000 and 4.5 million pieces of microplastics enter those rivers every day.

He told the AGU that the findings are significant because rivers are a source of drinking water for many communities and also a habitat for wildlife. Fish and other aquatic creatures eat the tiny pieces of plastic in rivers, which then make their way up the food chain—possibly ending up in people's dinner, according to Hoellein.

Some of those microplastics—microbeads in personal care products—are to be phased out starting July 1, 2017, under a new federal law.

U.S. Prevails in WTO Dispute Against India's Solar Program

Posted February 24, 2016, 12:35 P.M. ET

By [Bryce Baschuk](#)

A World Trade Organization dispute panel today agreed with U.S. trade officials that India's national solar program violated international trade rules and unfairly discriminated against imported solar cells and modules.

Specifically, the WTO ruled that the domestic content requirements of India's Jawaharlal Nehru National Solar Mission program are discriminatory because they require solar power developers to use Indian-manufactured cells and modules, according to its [decision](#).

The WTO urged India to bring its measures into compliance with the national treatment obligations in Article 2.1 of the WTO Agreement on Trade-Related Investment Measures and Article III:4 of the General Agreement on Tariffs and Trade 1994.

“The United States strongly supports the rapid deployment of solar energy around the world—including in India,” said U.S. Trade Representative Michael Froman in a news release. “But discriminatory policies in the clean energy space in fact undermine our efforts to promote clean energy by requiring the use of more expensive and less efficient equipment, raising the cost of generating clean energy and making it more difficult for clean energy sources to be

competitive.”

Investors Seek Vote on Climate Proposal at Exxon Mobil

Posted February 24, 2016, 11:23 A.M. ET

By [Andrea Vittorio](#)

Investors representing more than \$1 billion in Exxon Mobil shares are [urging](#) the Securities and Exchange Commission to let a shareholder resolution on climate change onto the company's proxy.

The shareholder proposal, filed by New York state's comptroller and four other investors, reflects their ongoing concern over how a changing climate could impact Exxon Mobil's business, especially if policy makers live up to the goals of a recent international deal to fight it.

“As investors, we need to know how ExxonMobil's bottom line will be impacted by the global effort to reduce emissions and what the company plans to do about it,” New York State Comptroller Thomas DiNapoli said in a statement today.

Exxon Mobil, which is simultaneously facing an inquiry from the state's attorney general into whether it misled the public and investors on climate change, has asked the SEC to block the proposal from making it to a vote at its annual meeting in the spring. The SEC declined to comment.

Conservative Groups Urge Congress to Oppose Carbon Tax

Posted February 24, 2016, 11:14 A.M. ET

By [Anthony Adragna](#)

Twenty conservative organizations, including FreedomWorks, the American Energy Alliance and Competitive Enterprise Institute, released a [letter](#) today urging Congress against pursuing any sort of carbon tax.

“Our nation's citizens expect – and deserve – their duly elected lawmakers to institute policies that move our economy forward and allow all Americans an equal opportunity to succeed,” the groups wrote to House Majority Whip Steve Scalise (R-La.). “A carbon tax would fail resoundingly on both of these fronts.”

Scalise introduced a resolution (H. Con. Res. 89) last year expressing the sense of Congress that a carbon tax would harm the U.S. economy. There has been little momentum for any sort of carbon tax among lawmakers, though Democratic Sens. Sheldon Whitehouse (R.I.) and Brian Schatz (Hawaii) have introduced legislation (S. 1548) in hopes of building support for one.

SAFE PIPES Act Would Cost \$50 Million from 2017-2021: CBO

Posted February 23, 2016, 5:36 P.M. ET

By [Rachel Leven](#)

The Senate pipeline safety reauthorization bill would cost \$50 million over the course of five years, the Congressional Budget Office said in its [cost estimate](#) released today.

The SAFE PIPES Act (S. 2276) would require \$525 million in appropriations from 2017 to 2021 for the Pipeline and Hazardous Materials Safety Administration's pipeline safety functions, it said. The bill would generate \$462 million in fees from pipeline owners and \$17 million in revenue from new underground natural gas storage facility assessments.

The Senate Commerce, Science and Transportation Committee passed the SAFE PIPES Act on Dec. 9. The bill would lower maximum funding levels for pipeline safety programs and aim to allow PHMSA time to address leftover mandates from its 2012 pipeline safety authorization law (Pub. L. No. 112–90), which lapsed Sept. 30.

European Commission to Propose Glyphosate Reapproval

Posted February 24, 2016, 2:10 P.M. ET

By Stephen Gardner

The European Commission will propose to renew until 2031 the authorization in the European Union of the widely used pesticide glyphosate, according to a [draft regulation](#) obtained by Bloomberg BNA.

The proposed renewal is controversial because glyphosate has been labeled “probably carcinogenic” by the World Health Organization, though the European Food Safety Authority (EFSA) in November judged that the substance was “unlikely to pose a carcinogenic hazard to humans.”

According to the draft regulation to reauthorize glyphosate, the current authorization for the substance will expire June 30, and EFSA's assessment that it should not be classified as carcinogenic provides the basis for its reapproval as safe to use in the EU.

A committee of EU member state representatives will discuss and possibly vote on the commission's draft regulation on glyphosate at a March 7-8 meeting.

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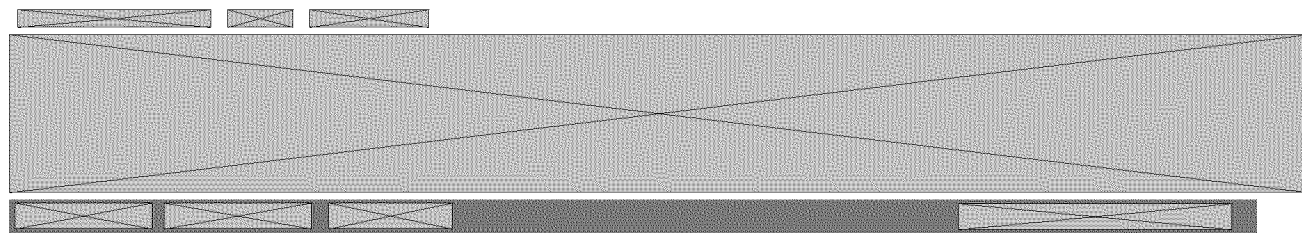
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EPA to Propose 12 Areas as Not Meeting SO2 Standard

Posted February 17, 2016, 12:43 P.M. ET

By [Andrew Childers](#)

The Environmental Protection Agency today announced it will propose to designate 12 areas in eight states as not achieving federal air quality standards for sulfur dioxide issued in 2010.

The EPA's proposal would designate to the list of areas not meeting the national ambient air quality standards for sulfur dioxide: Alton township and Williamson County, Ill.; Jefferson and Posey counties, Ind.; parts of Desoto Parish, La.; Anne Arundel and Baltimore counties, Md.; St. Clair County, Mich.; Franklin County, Mo.; Muskogee County, Okla.; and Freestone-Anderson, Rusk-Greg-Panola and Titus counties, Texas.

The EPA said it intends to complete the proposed designations by July 2.

The EPA in 2013 designated 29 areas in 16 states as being in nonattainment with the 2010 primary, one-hour national ambient air quality standard for sulfur dioxide of 75 parts per billion. The agency delayed action on the rest of the country due to inadequate air monitoring. The agency, under a court-approved consent decree with the Sierra Club and the Natural Resources Defense Council, agreed to take a phased approach to making attainment designations for the rest of the country.

EPA Didn't Enforce Drinking Water Violations in Flint: CRS

Posted February 17, 2016, 11:19 A.M. ET

By [Amena H. Saiyid](#)

The Environmental Protection Agency did not use its authority under the Safe Drinking Water Act to enforce violations against the public water utility in Flint, Mich., despite being aware of the elevated lead levels in the city's tap water, according to a Congressional Research Service [report](#).

Released yesterday, the report said Section 1414 of the Safe Drinking Water Act authorizes the EPA to notify state and the public water systems when it learns of a drinking water violation, and to allow the systems to come into

compliance.

But if after 30 days the violation continues and the jurisdictions haven't taken action then the EPA "must" take enforcement action against the public utility, the report notes. "EPA has not used this authority in Flint," wrote Mary Tiemann, author of the CRS report.

Air Standards Set for Leak in Gas Field Near Los Angeles

Posted February 17, 2016, 3:41 P.M. ET

By [Carolyn Whetzel](#)

California state and local agencies late yesterday released criteria for determining when emissions from Southern California Gas Co.'s underground natural gas storage field near Los Angeles no longer affect air quality in nearby neighborhoods.

The criteria, which sets thresholds for methane and other contaminants, are based on typical levels that predate the Oct. 23 discovery of the gas leak at the facility now in the final stages of being permanently capped.

At a Feb. 16 news conference at the SoCalGas Co. office in Chatsworth, U.S. Energy Secretary Ernest Moniz said lessons learned from the leak will inform a multi-agency effort by the federal government to address the nation's aging energy infrastructure.

Issues that have come to light in Aliso Canyon are obviously of huge local concern, but underscore the problems with the nation's aging energy storage infrastructure, Moniz said following a tour of the facility and meeting with local, state and federal officials. This incident identifies a problem we have to study more generally across the country, he said. "Frankly, gas storage fields need a fresh look in terms of the regulatory requirements," Moniz said.

New York Classifies PFOA as Hazardous

Posted February 17, 2016, 11:22 A.M. ET

By [Gerald B. Silverman](#)

The chemical perfluorooctanoic acid (PFOA) was classified by New York as a hazardous substance today in an emergency regulation published in the New York State Register.

The regulation is a response to water contamination in the upstate town of Hoosick Falls, N.Y. The state can now expend funds from its Superfund program to remediate the water problems.

The New York State Department of Environmental Conservation said the classification will also allow the state to respond if elevated levels of the chemical are found elsewhere in the state.

PFOA is a chemical used in the manufacture of nonstick cookware and other consumer products that resist heat and repel oil, grease and water.

Health Canada Proposes Lower Ambient SO2 Standard

Posted February 17, 2016, 3:53 P.M. ET

By [Peter Menyas](#)

Canada's health agency has proposed lowering the country's national ambient air quality objectives for sulfur dioxide, last updated more than two decades ago and more than four times higher than allowable levels across the border in the U.S.

While exposure to sulfur dioxide emissions has decreased significantly since the national objectives were adopted in 1989, research on the health impacts of short-term exposure to sulfur dioxide at current exposure levels shows a risk that should be addressed, Health Canada [said](#).

"The human health assessment has identified potential health risks to the Canadian population from exposure to

ambient concentrations of SO₂ that is below the current National Ambient Air Quality Objectives,” it said. “It is therefore recommended that the current [standards] be revised or new ambient air quality objectives or standards be introduced.”

Ford Drops Membership in ALEC Lobbying Group

Posted February 17, 2016, 11:51 A.M. ET

By [Ari Natter](#)

Ford Motor Co. has dropped its membership in the conservative lobbying group the American Legislative Exchange Council (ALEC), the company confirmed in an e-mail today to Bloomberg BNA.

“As part of our annual budget review in 2015, we adjusted our participation in several groups. We will not be participating in ALEC in 2016,” spokeswoman Christin Baker said in an e-mail.

In leaving ALEC, Ford joins companies such as Google, Microsoft and others that have raised concerns about the group's position denying climate change and other stances deemed to be anti-environmental, according to the watchdog group the Center for Media and Democracy.

Duke Energy Loses \$126M Tax Refund Bid in South Carolina

Posted February 17, 2016, 3:52 P.M. ET

By [Erin McManus](#)

Duke Energy Corp. can't use principal recovered from the sale of short-term securities to reduce the percentage of its income attributable to South Carolina.

The South Carolina Supreme Court ruled today that inclusion of principal in the calculation of the company's total sales—when determining how much of its income is subject to South Carolina tax—would result in distortion leading “to absurd results that could not have been intended by the General Assembly.”

Duke sought a \$126 million refund by claiming that the total proceeds from the sale by its treasury department of short-term securities, which had no connection to South Carolina, should be included in the denominator of the fraction of its income taxable by South Carolina, thereby reducing that tax.

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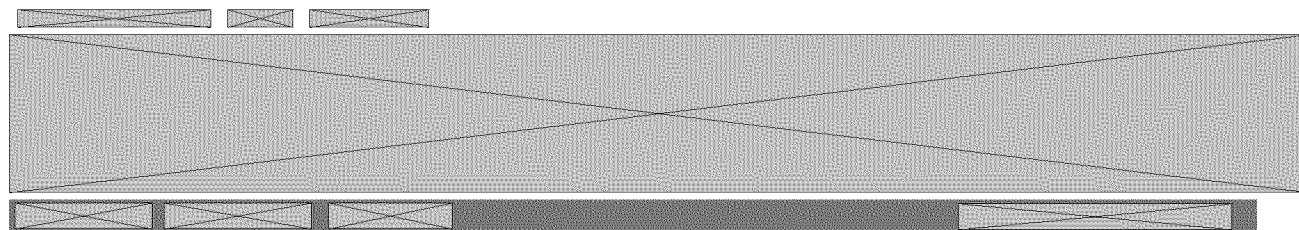
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Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Bill to Allow \$400 Million for Flint Infrastructure

Posted January 28, 2016, 1:28 P.M. ET

By [Pat Ware](#)

Three Democratic members of the Michigan congressional delegation announced legislation today that would provide \$400 million in federal emergency funding to the Environmental Protection Agency for upgrading drinking water infrastructure in Flint, Mich.

Michigan would be required to match dollar-for-dollar grants awarded by the EPA, up to \$400 million in state funding under the measure announced by Sens. Debbie Stabenow and Gary Peters and Rep. Dan Kildee.

The bill also would establish and fund a \$200 million Center of Excellence on Lead Exposure to focus on the immediate and long-term needs of children and adults exposed to lead.

In addition, it would give Michigan new flexibility to use funding to help forgive water infrastructure loans.

The legislation will be introduced as an amendment to the Energy Policy and Modernization Act before the Senate.

The bill incorporates legislation announced yesterday that would require the EPA to directly notify the public if there is a danger of lead in their water system if the state refuses to do so.

House Oversight Committee Convenes Flint Hearing

Posted January 28, 2016, 12:53 P.M. ET

By [Pat Ware](#)

The House Committee on Oversight and Government Reform has scheduled a Feb. 3 hearing on the Flint, Mich., drinking water crisis, a press aide told Bloomberg BNA today.

Details on the hearing are still under discussion, he said.

Rep. Brenda Lawrence (D-Mich.), ranking member of the committee's Subcommittee on Interior, said she learned today the hearing will not include Michigan's Gov. Rick Snyder (R), despite her formal request to include him along with other officials from all levels of government who were involved in the situation and the subsequent response.

"Gov. Rick Snyder was at the top of my list of witnesses due to the central role that he has played in this manmade crisis; from the decision to shift from Flint's original water source for cost-savings to the appalling delay in response to months of complaints by lead-poisoned residents and their children," she said in a statement.

"I am deeply disappointed at the Majority's lack of commitment to a thorough and meaningful hearing. A sincere search for truth and justice requires a full review by the entire Committee of the decisions and policies of all those involved. The nearly 100,000 people of Flint who have been permanently impacted by this crisis, either directly or indirectly, demands that Congress set aside party politics if we are to ensure that this never again occurs in Flint or any city in America," she said.

Supreme Court Sets Feb. 4 Deadline for Clean Power Plan Response

Posted January 28, 2016, 11:21 A.M. ET

By [Anthony Adragna](#)

Chief Justice John Roberts has asked the Environmental Protection Agency to respond by Feb. 4 at 3 p.m. to a request from more than two dozen states to immediately stay the agency's Clean Power Plan, according to an [order](#) posted yesterday.

Separately yesterday, Murray Energy Corp., Peabody Energy Corp., the National Mining Association and the American Coalition for Clean Coal Electricity [asked](#) the court to step in and stay the regulation, arguing "the coal industry is suffering irreparable harm now."

More than two dozen states, a coalition of more than 60 utility and union groups and several business groups, including the U.S. Chamber of Commerce and American Fuel & Petrochemical Manufacturers, have asked the Supreme Court to immediately stay the regulation to curb carbon dioxide from the nation's existing power plants.

Proposed Rule Would Alter How Oil, Gas Sectors Report Emissions

Posted January 28, 2016, 2:49 P.M. ET

By [Anthony Adragna](#)

Large emitters in the oil and natural gas sectors would be allowed to use new monitoring methods to detect leaks from their equipment under a proposed Environmental Protection Agency [rule](#) scheduled to be published in tomorrow's Federal Register.

Those changes would amend the agency's greenhouse gas reporting program, which first came into existence in 2009.

According to the EPA, the proposed rule would make the methods for detecting leaks from oil and gas infrastructure consistent with the requirements of a separate proposed EPA rule aimed at curbing methane emissions from industry sources.

Michigan Senate Approves \$28 Million to Help Flint

Posted January 28, 2016, 1:21 P.M. ET

By [Bebe Raupe](#)

The Michigan Senate unanimously approved today a \$28 million supplemental appropriation measure (H.B. 5220) to help Flint weather its water emergency.

Passed just over a week after it was proposed by Gov. Rick Snyder (R), the bill allocates money for water filters, bottled water and medical services for those most at risk for negative health outcomes from lead exposure.

Senate Minority Leader Jim Ananich (D), who represents Flint, said after the vote “the reality is that the whole city was exposed to the dangers of lead, and it is our responsibility to help them.”

The measure immediately moved back to the Michigan House for concurrence with Senate amendments and is expected to be on Snyder's desk by tomorrow.

Senate Adopts Energy Amendments on Nuclear, Research

Posted January 28, 2016, 4:00 P.M. ET

By [Ari Natter](#)

Measures that would promote advanced nuclear energy projects and increase funding for energy research were among the first amendments adopted to a broad energy bill (S. 2012) on the Senate floor today.

The nuclear amendment, by Sen. Mike Crapo (R-Idaho), would require the Energy Department to prioritize the development of advanced nuclear reactors. It was adopted by a vote of 87-4.

Also adopted was an amendment by Sen. Brian Schatz (D-Hawaii), increasing underlying bill funding for the Advanced Research Projects Agency - Energy by \$147 million over five years. It was adopted by a vote of 55-37.

Other amendments approved today included a measure by Sen. Ed Markey (D-Mass.) that would require the Government Accountability Office to review and report on the impacts of crude oil exports on U.S. consumers, independent refineries, shipbuilders and energy production. That measure was adopted by a vote of 62-29.

In addition, an amendment by Sen. John Barrasso (R-Wyo.) that would create a prize system to encourage innovative technologies to remove carbon dioxide directly from the atmosphere and permanently sequester was agreed to by voice vote.

Hoeven, Manchin File Coal Ash Amendment to Energy Bill

Posted January 28, 2016, 11:56 A.M. ET

By [Anthony Adragna](#)

Sens. John Hoeven (R-N.D.) and Joe Manchin (D-W.Va.) have filed an [amendment](#) to a broad energy package (S. 2012) that would alter the regulatory framework for coal ash.

The amendment, which appears to be the text of S. 2446, would bar the Environmental Protection Agency from ever regulating coal ash as a hazardous waste but would allow the agency to review and approve state management plans for the residue from coal-fired power generation.

Votes are expected on several amendments today, but it is not yet known whether the Hoeven-Manchin effort will get a vote.

Environmental Groups Argue Ozone Rule Not Protective

Posted January 28, 2016, 12:15 P.M. ET

By [Andrew Childers](#)

The Environmental Protection Agency erred when it rejected the advice of its own science advisers and set a revised ozone standard that is insufficient to protect health or the environment, environment and public health groups told a federal appellate court.

The EPA failed to explain how setting its revised national ambient air quality standards for ozone at 70 parts per billion is sufficient to protect public health despite scientific evidence of adverse health risks from exposures to lower concentrations of the pollutant, the Sierra Club, Physicians for Social Responsibility, National Parks Conservation Association, Appalachian Mountain Club, and West Harlem Environmental Action Inc. said in a [statement of issues](#) filed yesterday in the U.S. Court of Appeals for the District of Columbia Circuit.

The Clean Air Scientific Advisory Committee had recommended the standards be set somewhere between 60 ppb and 70 ppb.

21 Senate Democrats Ask EPA to Strengthen Methane Rules

Posted January 28, 2016, 4:19 P.M. ET

By [Anthony Adragna](#)

Twenty-one Senate Democrats, led by Brian Schatz (Hawaii) and Sheldon Whitehouse (R.I.), today asked Environmental Protection Agency Administrator Gina McCarthy to regulate existing sources of methane emissions in the oil and gas sectors.

"In order to achieve our international commitment to reducing greenhouse gas emissions by 26-28 percent below 2005 levels by 2025, we simply must address existing sources of methane emissions," the senators wrote in a [letter](#).

The Obama administration should be "as comprehensive as possible in its regulation of methane and other greenhouse gases" in order to show international leadership on addressing climate change, the letter said.

Amendment Eyes Fossil Fuel Disclosure on Climate

Posted January 28, 2016, 3:29 P.M. ET

By [Andrea Vittorio](#)

The push for better fossil fuel-company disclosure on climate change could get a boost from Congress.

An [amendment](#) was offered to a broad energy package (S. 2012) being considered by the Senate that directs the Securities and Exchange Commission to update its reporting guides for the coal, oil and gas industries to reflect the "growing risk" climate change poses to their business models.

"We need to focus on the financial impacts of climate change caused by energy consumption," Sen. Jack Reed (D-R.I.), a senior member of the Senate banking committee, who filed the amendment, said today in a statement provided to Bloomberg BNA.

The issue grabbed the attention of lawmakers—and even a few presidential candidates—as oil giant Exxon Mobil Corp. and coal miner Peabody Energy Corp. faced criticism late last year for what they told shareholders about financial risks from climate change.

California Extends Payments for Rooftop Solar Customers

Posted January 28, 2016, 4:11 P.M. ET

By [Carolyn Whetzel](#)

Rooftop solar customers of California's three investor-owned utilities will continue to get paid for the excess energy their systems generate, under a net metering structure the California Public Utilities Commission approved today.

In a 3-2 vote, the California Public Utilities Commission updated the existing net energy metering structure. The decision preserved a provision requiring Pacific Gas & Electric Co., Southern California Edison and San Diego Gas & Electric Co. to pay rooftop solar customers the full retail rate for electricity they add to the grid. Now, however, net metering customers must pay a one-time interconnection fee of up to \$150 and help fund low-income and efficiency programs.

A last-minute revision to the initial proposed decision issued in December, which eliminated transmission charges for net metering customers, prompted "no" votes from two commissioners.

All three of the utilities opposed the new net energy metering program.

California Adopts New Lighting Standards

To: Wadlington, Christina[Wadlington.Christina@epa.gov]; Greene, Ashley[greene.ashley@epa.gov]
Cc: 'Becki Clark'[Clark.Becki@epa.gov]
From: Grevatt, Peter
Sent: Wed 3/2/2016 7:37:37 PM
Subject: FW: Earlier water test found high levels of toxins in water

FYI

From: Beauvais, Joel
Sent: Wednesday, March 02, 2016 11:02 AM
To: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>; Behl, Betsy <Behl.Betsy@epa.gov>
Subject: FW: Earlier water test found high levels of toxins in water

fyi

From: Enck, Judith
Sent: Wednesday, March 02, 2016 10:13 AM
To: Beauvais, Joel <Beauvais.Joel@epa.gov>; Burke, Thomas <Burke.Thomas@epa.gov>
Subject: FW: Earlier water test found high levels of toxins in water

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Earlier water test found high levels of toxins in water

By Brendan J. Lyons

<http://www.timesunion.com/tuplus-local/article/04-water-test-finds-high-level-of-toxic-6864532.php>

PFOA under Petersburg plant hit 152,000 ppt, far above EPA safety limit

Updated 7:41 am, Wednesday, March 2, 2016

Petersburgh

The levels of a toxic chemical discovered in the well water at a plastics company in Petersburg in 2004 were once as high as 152,000 parts per trillion, far above the 400-ppt threshold recommended by the [U.S. Environmental Protection Agency](#) for short-term human exposure to the contaminant.

More recent tests, conducted in 2013, showed that the well water under the Route 22 plant had dropped significantly in the nine years since the contaminant PFOA was first discovered there. But the tests conducted in January 2013, from samples taken two months earlier, showed the levels of the contaminant in the unfiltered well water at the plant were still high — 7,500 ppt — but reduced to 420 ppt after the "finished" water was put through carbon filters.

A one-page summary sheet containing information that the company, Taconic, provided to state regulators recently was released by the state [Department of Environmental Conservation](#) late Tuesday in response to a request from the [Times Union](#). The state said it took immediate action last month.

"On Feb. 10, DEC and ([Department of Health](#)) met with company officials when the company shared historical testing data that showed elevated levels of PFOA," said [Emily DeSantis](#), a DEC spokeswoman. "Within days, the state Department of Health performed additional testing at the Taconic facility and in Petersburg. As soon as those results were known, the state secured bottled water for residents."

The document released by the state shows Taconic began testing its underground wells for the hazardous man-made chemical, perfluorooctanoic acid or PFOA, in November 2004. That was four months after the U.S. Environmental Protection Agency filed a widely publicized administrative action against DuPont, one of the manufacturers of PFOA, and accused the company of covering up information about the potential toxicity of the chemical. Taconic and several other specialty plants in Rensselaer County and southern Vermont have used PFOA in their manufacturing processes dating back decades.

It's unclear whether workers at the Taconic plant have ingested the tainted water, filtered or otherwise, and if so for how long. Taconic was founded in 1961, according to the company's website.

The company has told the state it provided alternative water or purchased carbon filters a decade ago for residents who live near the plant and have private wells. The company also told the state it has been making bottled water available to its employees for the same amount of time.

Taconic, like many other manufacturing plants that used PFOA, apparently became aware of the chemical's toxic capabilities after the EPA's administrative action 12 years ago accused DuPont of violating federal regulations for failing to report the substantial risk of injury to human health and the environment from PFOA between 1981 and 2001. The chemical is used to make non-stick and heat-resistant products ranging from airplane wiring to Teflon-coated cookware.

Taconic's plant near the Little Hoosic River makes specialty products including silicone-coated fabrics and tapes.

In 2006, the EPA reached an agreement with DuPont and other manufacturers to stop producing or using PFOA, although DuPont continued producing PFOA because the agreement did not call for the end of production of the chemical until 2015. The EPA settlement with DuPont came less than a year after DuPont agreed to pay \$10.25 million in civil penalties to settle the complaint brought by the EPA regarding the company's PFOA pollution in the Midwest. At the time, it was the largest civil administrative penalty ever obtained by the EPA under federal environmental statutes.

The 152,000 ppt level of PFOA found in the water at Taconic's plant in 2004 may be the highest ever reported for a drinking water source, according to [Robert A. Bilott](#), an Ohio attorney helping to represent an estimated 3,500 people in a class-action lawsuit against DuPont.

Bilott said, however, he is not familiar with the situation at Taconic and was speaking in general terms.

In January 2009, the EPA set its advisory for short-term exposure to PFOA at no more than 400 ppt. Last month, the agency set a long-term exposure limit of 100 ppt that applies to regular residential water use.

Taconic officials met privately with state regulators late last month following recent heightened interest in the chemical after it was discovered in the Hoosick Falls village water system at levels the EPA said are not safe for human consumption.

Despite concerns about the potential toxicity of PFOA, the discovery of PFOA in the wells at Taconic's plant in 2004 did not trigger any public notification or environmental investigation when the DEC was notified about the situation that year, according to state officials. At the time, PFOA was not a regulated contaminant.

The focus on PFOA contamination in this region began quietly unfolding in August 2014 when a Hoosick Falls resident, [Michael Hickey](#), had samples of the village's water tested for the chemical. The results showed levels of PFOA in the village's water system that exceeded the EPA advisory for short-term exposure. Hickey, an insurance underwriter, began researching contaminants in the village water because he was concerned about what he believed was a high rate of cancer in the community.

His father, John, died of kidney cancer in 2013 after working for decades at the [Saint-Gobain](#) Performance Plastics plant on McCaffrey Street, which has been the focus of water contamination in the village.

A Saint-Gobain spokesperson said the company ceased all use of PFOA at its McCaffrey Street plant in December 2014, the same month the village notified the company about the pollution discovered in the municipal well system, which is a few hundred yards from the Saint-Gobain plant. Saint-Gobain tested the groundwater under its plant last year and found levels as high as 18,000 parts per trillion.

In recent weeks, traces of the chemical have been found in private wells and public water supplies in the town of Hoosick, well outside the village, and in North Bennington, Vt., where Saint-Gobain also had a manufacturing plant that closed in 2002.

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To: Betsy Behl (behl.betsy@epa.gov)[behl.betsy@epa.gov]; Strong, Jamie[Strong.Jamie@epa.gov]
Cc: Southerland, Elizabeth (Southerland.Elizabeth@epa.gov)[Southerland.Elizabeth@epa.gov]; Burneson, Eric[burneson.eric@epa.gov]; Greene, Ashley[Greene.Ashley@epa.gov]
From: Grevatt, Peter
Sent: Mon 12/21/2015 2:30:34 PM
Subject: FW: Pfoa in hoosick falls ny

Hi Betsy and Jamie. I assume you are well aware of this C-8 science panel funded by DuPont, but forwarding just in case. We'll copy you on materials we send to Travis in response to his request and Jamie, thanks for contributing to this on Friday. P.G.

From: Enck, Judith
Sent: Monday, December 21, 2015 9:17 AM
To: Beauvais, Joel <Beauvais.Joel@epa.gov>; Grevatt, Peter <Grevatt.Peter@epa.gov>; Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>
Cc: Abrams, Dan <Abrams.Dan@epa.gov>
Subject: Pfoa in hoosick falls ny

EPA pushes for deep study of Hoosick Falls water pollution

By Brendan J. Lyons

timesunion <http://www.timesunion.com/tuplus-local/article/EPA-pushes-for-deep-study-of-Hoosick-Falls-water-6710177.php>

Federal agency warns water polluted with chemical PFOA is not safe for villagers to drink

Published 6:26 pm, Saturday, December 19, 2015

Hoosick Falls

A toxic chemical that contaminated the Hoosick Falls water system may have seeped into the village's underground wells over a period of decades when workers at a nearby plastics plant cleaned smokestack filters and other equipment on the ground outside the facility, including flushing manufacturing byproducts into a storm drain.

In addition, several people who worked at the McCaffrey Street plant, owned by [Saint-Gobain Performance Plastics](#) since 1999, recalled how a powder-like smoke plume that seemed heavier than air often settled in the valley around the small plant that overlooks the Hoosic River. The facility is several hundred yards from the village's water treatment plant.

[David Hassel](#), a retired mechanical engineer who worked at the plant beginning in 1975, said he helped design the oven stacks that were part of a high-heat process used to produce Teflon-coated materials ranging from heat-resistant wiring to small clips used to treat varicose veins. Last year, [Michael Hickey](#), a village resident whose father worked at the plant for decades and died of kidney cancer in 2013, sent samples of the water to a Canadian laboratory that found elevated levels of a man-made chemical, perfluorooctanoic acid, or "PFOA," in the village water.

The findings stoked suspicions of many village residents who say their small community has experienced an extraordinary wrath of cancer, including rare and aggressive types of the disease. Thyroid diseases and other health problems also have appeared more common, according to Dr. [Marcus E. Martinez](#), who runs a bustling family medical practice in the village.

"I don't think the information about the toxicity and PFOA were even known by the chemists at the time," said Hassel, who battled prostate cancer and had an office at the McCaffrey Street plant from 1976 to 1985. "If they (the health risks) were known, they were probably kept secret."

Hassel said in the early 1980s, the plant, which was owned by five different companies since it opened in 1956, installed "scrubbers" in its smokestacks that were designed to prevent toxic pollutants from entering the air. He said the PFOA was in a powdery manmade substance, PTFE, that helped alter the molecular structure of the products they were making so they would withstand heat and repel grease, oil and water.

"The powder got on everything around the equipment and in the ovens they used at McCaffrey Street to bake blocks of Teflon, and in the towers used to fuse Teflon," Hassel said.

[Kevin Allard](#), a former Village Board member who also worked at the plant for many years, said workers used to clean the scrubbers and heating towers every Monday, washing the equipment on the side of a hill outside the plant, about 400 yards from the village's most productive underground well. Other former employees interviewed by the [Times Union](#) recalled similar practices, which may have violated environmental laws.

More Information

PFOA contaminant

Perfluorooctanoic acid (PFOA), also known as "C8," is a man-made chemical used to manufacture non-stick and other household and commercial products that are heat-resistant and repel grease and water. Under an agreement with the U.S. Environmental Protection agency, major manufacturers of PFOA began phasing out use of the product in 2006.

PFOA exposure to humans comes from water, air, dust, soil and consumer products. PFOA does not break down in humans and bioaccumulates over a period of years.

PFOA exposure can lead to increased health effects, including testicular and kidney cancer and thyroid disease.

Sources: C8 Science Panel; U.S. EPA; state Department of Health.

"The other thing you have to remember is scrubbers probably didn't catch everything," Allard said. "Before the scrubbers were put on there was a good 15 years of running full-out and all that material going up into the air, up out of the stacks and just floating down. It was heavier than air."

Judith Enck, regional administrator for the U.S. Environmental Protection Agency, said state officials and federal regulators are discussing plans to fully assess the situation in Hoosick Falls. Last week, the EPA issued a statement reaffirming its position that no one should drink or cook with village water until the contamination is removed. The agency issued its warning four days after the Times Union reported that village leaders had declined to advise people not to drink it, with the mayor saying it was a "personal choice." The mayor was relying, in part, on the state Health Department, which handed out a "fact sheet" to residents two weeks ago stating "health effects are not expected to occur from normal use of the water." The mayor and state Health Department abruptly changed their stance last week.

Enck, who is from Rensselaer County, also wrote a letter to village Mayor David B. Borge in late November advising residents not to drink the water. But the message was not distributed by the village until last week, after the correspondence was made public by a grass-roots group led by Hickey, who's credited with discovering the contamination.

On Friday, Enck said state and federal agencies are in early discussions about how to undertake an investigation in Hoosick Falls, which may include health surveys.

"We need a comprehensive assessment to determine what is the source of the pollution and how do you handle it," she said. "It's not enough just to give people alternate drinking water supplies and put a carbon-filtration system on the water plant. You need to find the source of the pollution and work to remove it or contain it. That has to happen by either a state agency or a federal agency, or both."

The small village, which has about 4,500 consumers on its water system, has been home to a number of factories and manufacturing plants dating to the early 1800s. Saint-Gobain operates the village's two remaining manufacturing plants, which employ about 200 people, including 65 village residents.

Julia DiCorleto, a general manager who oversees Saint-Gobain's Hoosick Falls plants, said the soil-testing the company conducted around the McCaffrey Street plant showed low levels of PFOA in the soil, which may indicate the water pollution came from a source other than their plant. But the company's tests also showed extremely high levels of PFOA in the groundwater under the plant site, which includes an aquifer that is believed to feed the village's nearby underground well system.

"I can't really say what went on in the '70s and '80s; I wasn't there, I don't know," DiCorleto said, adding that the company ceased using PFOA in 2003. "Saint-Gobain is a company that's been around for 350 years and we have a very strong commitment to the environment and health and safety."

Saint-Gobain, a French-based manufacturing company, is providing free bottled water to village residents and has pledged to install a \$2 million carbon filtration system on the village's water plant, which officials said should remove the PFOA. Company officials said their decision to provide help to the village does not represent any acknowledgement of responsibility for the PFOA pollution.

"We just do not know what the source of the PFOA is," said Dina Silver Pokedoff, a Saint-Gobain spokeswoman. "It could have come from a number of places, and we're just not in a position to speculate on what that source may be or if it's us or other companies that operated in that site or

other areas. We just don't know."

Last Monday, Robert A. Bilott, an Ohio attorney who is helping represent an estimated 3,500 people in a class-action lawsuit against DuPont, which manufactured and used PFOA in its products, wrote a letter to Borge and the state Health Department urging them to change their position on the health risks of PFOA in drinking water. Bilott said he's represented "tens of thousands of individuals in various communities across the country who have been injured because of the contamination of their drinking water with PFOA."

Bilott said a science panel that was formed as a result of the litigation with DuPont conducted a comprehensive study of the health effects of exposure to PFOA and issued a peer-reviewed report that concluded the chemical has a "probable link" to six diseases: kidney cancer; testicular cancer; ulcerative colitis; thyroid disease; preeclampsia/pregnancy-induced hypertension; and medically diagnosed high cholesterol. DuPont paid for the study by a group of scientists known as the "C8 Science Panel," and, as a result of the panel's findings, the company has to concede in the personal-injury lawsuits that PFOA causes cancer.

Recently, one of the first cases to go to trial resulted in a \$1.6 million judgment for a woman who lost a kidney attributed to PFOA exposure. Five other cases in the class-action litigation are scheduled to go to trial beginning next year, unless the case is settled.

"These levels of PFOA in the village's drinking water present a health concern, not only because they exceed the current short-term EPA drinking water advisory, but because they represent levels of PFOA that are significantly above the threshold levels of PFOA exposure where the C8 Science Panel found links with six very serious diseases, including two forms of cancer," Bilott wrote in the letter.

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To: Wadlington, Christina[Wadlington.Christina@epa.gov]; Greene, Ashley[greene.ashley@epa.gov]
Cc: 'Becki Clark'[Clark.Becki@epa.gov]
From: Grevatt, Peter
Sent: Wed 3/2/2016 7:37:37 PM
Subject: FW: Earlier water test found high levels of toxins in water

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PFOA under Petersburg plant hit 152,000 ppt, far above EPA safety limit

Updated 7:41 am, Wednesday, March 2, 2016

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Taconic's plant near the Little Hoosic River makes specialty products including silicone-coated fabrics and tapes.

In 2006, the EPA reached an agreement with DuPont and other manufacturers to stop producing or using PFOA, although DuPont continued producing PFOA because the agreement did not call for the end of production of the chemical until 2015. The EPA settlement with DuPont came less than a year after DuPont agreed to pay \$10.25 million in civil penalties to settle the complaint brought by the EPA regarding the company's PFOA pollution in the Midwest. At the time, it was the largest civil administrative penalty ever obtained by the EPA under federal environmental statutes.

The 152,000 ppt level of PFOA found in the water at Taconic's plant in 2004 may be the highest ever reported for a drinking water source, according to [Robert A. Bilott](#), an Ohio attorney helping to represent an estimated 3,500 people in a class-action lawsuit against DuPont.

Bilott said, however, he is not familiar with the situation at Taconic and was speaking in general terms.

In January 2009, the EPA set its advisory for short-term exposure to PFOA at no more than 400 ppt. Last month, the agency set a long-term exposure limit of 100 ppt that applies to regular residential water use.

Taconic officials met privately with state regulators late last month following recent heightened interest in the chemical after it was discovered in the Hoosick Falls village water system at levels the EPA said are not safe for human consumption.

Despite concerns about the potential toxicity of PFOA, the discovery of PFOA in the wells at Taconic's plant in 2004 did not trigger any public notification or environmental investigation when the DEC was notified about the situation that year, according to state officials. At the time, PFOA was not a regulated contaminant.

The focus on PFOA contamination in this region began quietly unfolding in August 2014 when a Hoosick Falls resident, [Michael Hickey](#), had samples of the village's water tested for the chemical. The results showed levels of PFOA in the village's water system that exceeded the EPA advisory for short-term exposure. Hickey, an insurance underwriter, began researching contaminants in the village water because he was concerned about what he believed was a high rate of cancer in the community.

His father, John, died of kidney cancer in 2013 after working for decades at the [Saint-Gobain](#) Performance Plastics plant on McCaffrey Street, which has been the focus of water contamination in the village.

A Saint-Gobain spokesperson said the company ceased all use of PFOA at its McCaffrey Street plant in December 2014, the same month the village notified the company about the pollution discovered in the municipal well system, which is a few hundred yards from the Saint-Gobain plant. Saint-Gobain tested the groundwater under its plant last year and found levels as high as 18,000 parts per trillion.

In recent weeks, traces of the chemical have been found in private wells and public water supplies in the town of Hoosick, well outside the village, and in North Bennington, Vt., where Saint-Gobain also had a manufacturing plant that closed in 2002.

blyons@timesunion.com • 518-454-5547 • @brendan_lyonstu



**Department of
Environmental
Conservation**

**Department
of Health**

January 14, 2016

The Honorable Gina McCarthy
Administrator
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

Dear Administrator McCarthy:

We write to you to request that EPA take vigorous action to address the presence of perfluorooctanoic acid (PFOA) in drinking water and groundwater. Respectfully, we ask that EPA:

- lower its provisional health advisory of 400 parts per trillion (ppt) for PFOA drinking water to take into account the most current scientific evidence;
- act expeditiously to adopt a protective maximum contaminant level for PFOA;
- expeditiously list PFOA as a hazardous substance under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) to facilitate the cleanup of contaminated groundwater and other media; and
- review the remaining uses of PFOA under the Toxic Substances Control Act and curtail it whenever less toxic alternatives are available.

The New York State Department of Health has been working with the Village of Hoosick Falls and the Town of Hoosick for more than a year to address PFOA contamination of drinking water. PFOA in the Village of Hoosick Falls public water supply exceeds the provisional EPA health advisory of 400 ppt. Private wells in the Town of Hoosick have also shown signs of contamination, but at lower levels than in the municipal supply. The Department of Health, the Village, and Saint-Gobain Performance Plastics have collaborated to evaluate treatment options for the Village water supply, implement a bottled water program, and design and order a temporary treatment system to be installed in the coming weeks on the Village water supply. This temporary treatment system will remain in place until a planned permanent treatment system is operational later this year.

We write to you because this is not just a local issue. The presence of PFOA in drinking water is an emerging nation-wide issue.



**Department of
Environmental
Conservation**

**Department
of Health**

As reported in the New York Times Magazine on January 10, 2016, several studies have asserted that the presence of PFOA in drinking water and groundwater may be more pervasive than originally thought and may subject people across the country to PFOA exposure since EPA first began working on this issue in 2001.

It is imperative that the federal government step forward and use the authority it already holds under federal law to comprehensively address this national issue. The State of New York stands ready to assist EPA in any way we can in this important effort to protect public health and the environment from PFOA.

Sincerely,

Howard Zucker M.D.

Dr. Howard Zucker
Commissioner
DOH

A handwritten signature in black ink, appearing to read "B. Seggos".

Basil Seggos
Acting Commissioner
DEC



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Environmental
Conservation**

**Department
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Commissioner
DOH

A handwritten signature in black ink, appearing to read "Basil Seggos".

Basil Seggos
Acting Commissioner
DEC

To: Betsy Behl (behl.betsy@epa.gov)[behl.betsy@epa.gov]; Strong, Jamie[Strong.Jamie@epa.gov]
Cc: Southerland, Elizabeth (Southerland.Elizabeth@epa.gov)[Southerland.Elizabeth@epa.gov]; Burneson, Eric[burneson.eric@epa.gov]; Greene, Ashley[Greene.Ashley@epa.gov]
From: Grevatt, Peter
Sent: Mon 12/21/2015 2:30:34 PM
Subject: FW: Pfoa in hoosick falls ny

Hi Betsy and Jamie. I assume you are well aware of this C-8 science panel funded by DuPont, but forwarding just in case. We'll copy you on materials we send to Travis in response to his request and Jamie, thanks for contributing to this on Friday. P.G.

From: Enck, Judith
Sent: Monday, December 21, 2015 9:17 AM
To: Beauvais, Joel <Beauvais.Joel@epa.gov>; Grevatt, Peter <Grevatt.Peter@epa.gov>; Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>
Cc: Abrams, Dan <Abrams.Dan@epa.gov>
Subject: Pfoa in hoosick falls ny

EPA pushes for deep study of Hoosick Falls water pollution

By Brendan J. Lyons

timesunion <http://www.timesunion.com/tuplus-local/article/EPA-pushes-for-deep-study-of-Hoosick-Falls-water-6710177.php>

Federal agency warns water polluted with chemical PFOA is not safe for villagers to drink

Published 6:26 pm, Saturday, December 19, 2015

Hoosick Falls

A toxic chemical that contaminated the Hoosick Falls water system may have seeped into the village's underground wells over a period of decades when workers at a nearby plastics plant cleaned smokestack filters and other equipment on the ground outside the facility, including flushing manufacturing byproducts into a storm drain.

In addition, several people who worked at the McCaffrey Street plant, owned by [Saint-Gobain Performance Plastics](#) since 1999, recalled how a powder-like smoke plume that seemed heavier than air often settled in the valley around the small plant that overlooks the Hoosic River. The facility is several hundred yards from the village's water treatment plant.

[David Hassel](#), a retired mechanical engineer who worked at the plant beginning in 1975, said he helped design the oven stacks that were part of a high-heat process used to produce Teflon-coated materials ranging from heat-resistant wiring to small clips used to treat varicose veins. Last year, [Michael Hickey](#), a village resident whose father worked at the plant for decades and died of kidney cancer in 2013, sent samples of the water to a Canadian laboratory that found elevated levels of a man-made chemical, perfluorooctanoic acid, or "PFOA," in the village water.

The findings stoked suspicions of many village residents who say their small community has experienced an extraordinary wrath of cancer, including rare and aggressive types of the disease. Thyroid diseases and other health problems also have appeared more common, according to Dr. [Marcus E. Martinez](#), who runs a bustling family medical practice in the village.

"I don't think the information about the toxicity and PFOA were even known by the chemists at the time," said Hassel, who battled prostate cancer and had an office at the McCaffrey Street plant from 1976 to 1985. "If they (the health risks) were known, they were probably kept secret."

Hassel said in the early 1980s, the plant, which was owned by five different companies since it opened in 1956, installed "scrubbers" in its smokestacks that were designed to prevent toxic pollutants from entering the air. He said the PFOA was in a powdery manmade substance, PTFE, that helped alter the molecular structure of the products they were making so they would withstand heat and repel grease, oil and water.

"The powder got on everything around the equipment and in the ovens they used at McCaffrey Street to bake blocks of Teflon, and in the towers used to fuse Teflon," Hassel said.

[Kevin Allard](#), a former Village Board member who also worked at the plant for many years, said workers used to clean the scrubbers and heating towers every Monday, washing the equipment on the side of a hill outside the plant, about 400 yards from the village's most productive underground well. Other former employees interviewed by the [Times Union](#) recalled similar practices, which may have violated environmental laws.

More Information

PFOA contaminant

Perfluorooctanoic acid (PFOA), also known as "C8," is a man-made chemical used to manufacture non-stick and other household and commercial products that are heat-resistant and repel grease and water. Under an agreement with the U.S. Environmental Protection agency, major manufacturers of PFOA began phasing out use of the product in 2006.

PFOA exposure to humans comes from water, air, dust, soil and consumer products. PFOA does not break down in humans and bioaccumulates over a period of years.

PFOA exposure can lead to increased health effects, including testicular and kidney cancer and thyroid disease.

Sources: C8 Science Panel; U.S. EPA; state Department of Health.

"The other thing you have to remember is scrubbers probably didn't catch everything," Allard said. "Before the scrubbers were put on there was a good 15 years of running full-out and all that material going up into the air, up out of the stacks and just floating down. It was heavier than air."

Judith Enck, regional administrator for the U.S. Environmental Protection Agency, said state officials and federal regulators are discussing plans to fully assess the situation in Hoosick Falls. Last week, the EPA issued a statement reaffirming its position that no one should drink or cook with village water until the contamination is removed. The agency issued its warning four days after the Times Union reported that village leaders had declined to advise people not to drink it, with the mayor saying it was a "personal choice." The mayor was relying, in part, on the state Health Department, which handed out a "fact sheet" to residents two weeks ago stating "health effects are not expected to occur from normal use of the water." The mayor and state Health Department abruptly changed their stance last week.

Enck, who is from Rensselaer County, also wrote a letter to village Mayor David B. Borge in late November advising residents not to drink the water. But the message was not distributed by the village until last week, after the correspondence was made public by a grass-roots group led by Hickey, who's credited with discovering the contamination.

On Friday, Enck said state and federal agencies are in early discussions about how to undertake an investigation in Hoosick Falls, which may include health surveys.

"We need a comprehensive assessment to determine what is the source of the pollution and how do you handle it," she said. "It's not enough just to give people alternate drinking water supplies and put a carbon-filtration system on the water plant. You need to find the source of the pollution and work to remove it or contain it. That has to happen by either a state agency or a federal agency, or both."

The small village, which has about 4,500 consumers on its water system, has been home to a number of factories and manufacturing plants dating to the early 1800s. Saint-Gobain operates the village's two remaining manufacturing plants, which employ about 200 people, including 65 village residents.

Julia DiCorleto, a general manager who oversees Saint-Gobain's Hoosick Falls plants, said the soil-testing the company conducted around the McCaffrey Street plant showed low levels of PFOA in the soil, which may indicate the water pollution came from a source other than their plant. But the company's tests also showed extremely high levels of PFOA in the groundwater under the plant site, which includes an aquifer that is believed to feed the village's nearby underground well system.

"I can't really say what went on in the '70s and '80s; I wasn't there, I don't know," DiCorleto said, adding that the company ceased using PFOA in 2003. "Saint-Gobain is a company that's been around for 350 years and we have a very strong commitment to the environment and health and safety."

Saint-Gobain, a French-based manufacturing company, is providing free bottled water to village residents and has pledged to install a \$2 million carbon filtration system on the village's water plant, which officials said should remove the PFOA. Company officials said their decision to provide help to the village does not represent any acknowledgement of responsibility for the PFOA pollution.

"We just do not know what the source of the PFOA is," said Dina Silver Pokedoff, a Saint-Gobain spokeswoman. "It could have come from a number of places, and we're just not in a position to speculate on what that source may be or if it's us or other companies that operated in that site or

other areas. We just don't know."

Last Monday, Robert A. Bilott, an Ohio attorney who is helping represent an estimated 3,500 people in a class-action lawsuit against DuPont, which manufactured and used PFOA in its products, wrote a letter to Borge and the state Health Department urging them to change their position on the health risks of PFOA in drinking water. Bilott said he's represented "tens of thousands of individuals in various communities across the country who have been injured because of the contamination of their drinking water with PFOA."

Bilott said a science panel that was formed as a result of the litigation with DuPont conducted a comprehensive study of the health effects of exposure to PFOA and issued a peer-reviewed report that concluded the chemical has a "probable link" to six diseases: kidney cancer; testicular cancer; ulcerative colitis; thyroid disease; preeclampsia/pregnancy-induced hypertension; and medically diagnosed high cholesterol. DuPont paid for the study by a group of scientists known as the "C8 Science Panel," and, as a result of the panel's findings, the company has to concede in the personal-injury lawsuits that PFOA causes cancer.

Recently, one of the first cases to go to trial resulted in a \$1.6 million judgment for a woman who lost a kidney attributed to PFOA exposure. Five other cases in the class-action litigation are scheduled to go to trial beginning next year, unless the case is settled.

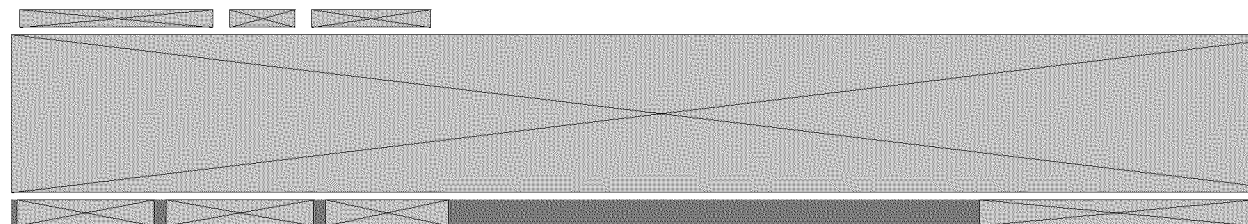
"These levels of PFOA in the village's drinking water present a health concern, not only because they exceed the current short-term EPA drinking water advisory, but because they represent levels of PFOA that are significantly above the threshold levels of PFOA exposure where the C8 Science Panel found links with six very serious diseases, including two forms of cancer," Bilott wrote in the letter.

blyons@timesunion.com • 518-454-5547 • @brendan_lyonstu

To: Grevatt, Peter[Grevatt.Peter@epa.gov]
From: BNA Highlights
Sent: Fri 4/1/2016 2:15:34 AM
Subject: Apr. 1 -- BNA, Inc. Daily Environment Report

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Friday, April 1, 2016 · Number 63

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NEWS

Agriculture

[Groups File Suit to Reverse FDA Approval of GE Salmon](#)

A coalition of consumer and environmental groups are suing the Food and Drug Administration to reverse the agency's approval of genetically modified salmon for sale and consumption (Institute for Fisheries Resources v. Burwell, No....

Air Pollution

[DOJ Expects to Have 'Something' by Judge's VW Deadline](#)

A top Justice Department official told Bloomberg BNA that he expects the federal government and Volkswagen to have "something" to tell a federal court judge by an April 21 deadline to present a plan to address about 580,000 noncompliant...

Air Pollution

[Modi's Air Quality Plan Resisted by Indian Power Generators](#)

India's effort to clean up the world's worst air is facing resistance from power producers who say the government is asking them to spend too much and revamp old plants too quickly....

Asbestos

[Dismissal of Asbestos Cases Against Four Companies Upheld](#)

Asbestos exposure claims brought by the survivor of a South Carolina shipyard worker don't have enough evidentiary support and must be dismissed, the U.S. Court of Appeals for the Fourth Circuit ruled (Pace v. Air & Liquid Sys. Corp.,...

Asbestos

[No Product Liability for Shipbuilders in Asbestos Case](#)

The heirs of a man who allegedly contracted mesothelioma while working on Navy warships containing asbestos can't proceed with strict product liability claims against the shipbuilders, the

[Key Features](#)
[Special Reports](#)
[Regulatory](#)
[Agenda](#)
[Congress](#)
[Comments](#)
[Deadlines](#)
[PDF](#)
[Archive](#)

Ninth Circuit ruled March 31 (McIndoe v. Huntington...

Biotechnology

Biotech Framework Update Should Focus on Data Burden

The multiple federal agencies that regulate biotechnology and its products should create more certainty for the regulated community with clear review triggers and data standards, and a single information package they could submit to all...

Chemicals

Eight Chemical Firms No Longer Make, Use PFOA

The Arkema Group, BASF Corp., Daikin Industries, DuPont successor Chemours and four other chemical manufacturers that previously made or used perfluorooctanoic acid (PFOA) and related perfluorinated chemicals ceased their production...

Chemicals

Groups Demand Answer From FDA on Perchlorate

Six advocacy groups filed a lawsuit March 31 against the U.S. Food and Drug Administration in an attempt to force the agency to respond to its calls for a ban on perchlorate in food packaging (Breast Cancer Fund v. FDA, 9th Cir., No. 16-70878, 3/31/16)....

Climate Change

Panel Wraps Up First Phase on Company Climate Disclosure

A panel convened to bring about greater transparency to the way companies disclose the risks they face from climate change has concluded the first phase of its work as it moves toward proposing a set of voluntary reporting standards....

Climate Regulation

Administration Rushing Methane Rules to Boost Legacy: API

President Barack Obama's administration is rushing out a suite of rules meant to curb methane emissions as a way to bolster his climate change legacy, the American Petroleum Institute said March 31....

Climate Regulation

Former EPA Administrators Defend Clean Power Plan

The Clean Power Plan falls squarely within the Environmental Protection Agency's authority under the "broadly worded" provisions of the Clean Air Act, two past agency administrators said in defense of the rule (West Virginia...

Climate Regulation

White House Reviewing De Minimis Permitting Rule

The White House Office of Management and Budget is reviewing an Environmental Protection Agency proposal to set a de minimis standard for greenhouse gas emissions, below which large industrial facilities would not need to obtain a permit...

Drinking Water

EPA Attorney: Flint Shows Need to Improve Communication

The Flint water crisis illustrates a need for regulators to think "long and hard" about how best to communicate public health risks, the Environmental Protection Agency's top attorney said. ...

Drinking Water

EPA Must Resolve Oil, Gas Wells Oversight Issues: GAO

The Environmental Protection Agency hasn't ensured that underground sources of drinking water are being adequately protected from certain oil and gas underground injection activities, the Government Accountability Office said...

Drinking Water

New York Says Hoosick Falls Water Free of PFOA

Repeated tests of the municipal water system of Hoosick Falls, N.Y., have detected no perfluorooctanoic acid contamination, the New York Health Department said March 30. The village's drinking water is now safe for all uses, including...

Energy

Mexico's First Power Auction Hailed as Success

Mexico is one step closer to meeting its ambitious clean energy targets, thanks to its first wholesale electricity auction on March 29, in which 11 companies won long-term contracts to supply renewable energy and clean energy certificates...

Energy

Ohio OKs Rate Hikes, Subsidizes Coal, Nuclear Plants

Electric bills will go up for millions following the Public Utility Commission of Ohio's approval of two utilities' rate stability plans that subsidize older power plants....

Enforcement

SEC Sues Navistar and Ex-CEO for Truck Engine Lies

A former Navistar International Corp. chief executive officer is facing Securities and Exchange Commission allegations that he misled investors about the company's development of an advanced technology truck engine (SEC v. Ustian,...

Hydraulic Fracturing

Nebraska Governor Signs Bill on Fracking Disposal Wells

Nebraska Gov. Pete Ricketts (R) signed a bill March 30 that imposes additional disclosure regulations on operators of wastewater disposal wells used in hydraulic fracturing....

International Climate

Obama, Xi Push Early Entry Into Force of Paris Climate Deal

A U.S.-China pledge to quickly sign and implement the Paris climate pact—and prod other countries to follow suit—could get the deal formally in force well before 2020, Obama administration officials said March 31....

Mining

Molycorp OK to Exit Chapter 11 Without Troubled Mine

Molycorp Inc. will be able to exit bankruptcy protection with its profitable mineral-processing business, while leaving its money-losing California rare-earths mine behind (In re Molycorp Inc., Bankr. D. Del., No. 15-bk-11357, 3/30/16)....

Natural Gas

Japanese Ambassador Urges Canada LNG Exports

The window for Canada to begin exporting liquefied natural gas is closing and may not open again for a decade or more, Japan's ambassador to Canada recently warned Prime Minister Justin Trudeau and environmental officials....

Oil & Gas

BP Signs First Shale-Gas Exploration Deal in China with CNPC

BP Plc will explore for shale-gas in China with the country's biggest oil company China National Petroleum Corp., the British producer's first such contract in the nation estimated to hold the world's biggest resources...

Oil & Gas

Exxon, California Reach Agreement in Refinery Unit Restart

Exxon Mobil Corp. and California regulators reached a preliminary agreement to restart a unit at the Torrance refinery, a key step toward closing the facility's pending sale to PBF Energy Inc. ...

Oil & Gas**Oil Industry Urged to Focus on Long Term During Downturn**

Even though the current oil-gas downturn is a normal part of the industry's cycle and less severe than the 1980s slump, companies need to focus on a long-term business strategy, panelists at a forum in Houston said March 31....

Oil Spills**Cruden: Judges' OK Would Lock Down BP Settlement**

Judicial approval of a multibillion-dollar settlement between the federal government and BP Plc over the Deepwater Horizon oil spill would be a powerful tool to ensure that the oil and gas company meets its obligations, a top Justice Department...

Pipeline Safety**Return of Gas Pipeline Rules Opposed by Industry**

Safety regulations previously opposed by natural gas pipeline operators and others in the industry have returned in a Department of Transportation proposed rule that would set new requirements for both main and gathering pipelines. ...

Radioactive Waste**N.M. Deal Aims to Enhance Los Alamos Cleanup**

New Mexico's Environment Department on March 30 released a draft consent order for comment governing the cleanup of legacy waste at Los Alamos National Laboratory. The state initiated public discussion and feedback five months ago on...

Renewable Energy**\$2.6 Billion Buying Binge Pushed SunEdison to Brink**

Just nine months ago, SunEdison Inc. was Wall Street's favorite clean-energy company. It sopped up every dollar it could come by to finance a breathtaking buying binge of wind and solar farms, and in the process became the world's...

Renewable Energy**The U.K. Propped Up Europe's Ailing Solar Market Last Year**

If it wasn't for the U.K., Europe's solar power market would have flat-lined last year, according to new industry figures that reveal the world's biggest market for the technology is struggling to retain its scale....

Renewable Energy**U.K. Carbon Pollution Fell in 2015 as Renewables Replace Coal**

U.K. greenhouse gas pollution fell last year after generation from coal plants dropped and clean energy use rose, according to government figures published March 31....

Risk Assessment**Chemical Facility Auditing Proposal Defended by EPA's Giles**

An Environmental Protection Agency proposal that would require chemical plants to hire independent third parties to perform compliance audits under the agency's Risk Management Program is supported by evidence that those audits are...

Superfund**Buyer of Contaminated Parcel Can't Enforce Consent Decree**

A company that bought property at an auction set up under a Superfund consent decree lacks

standing to enforce the decree, the U.S. District Court for the District of Colorado ruled March 29 (United States v. Colorado & Eastern R.R., 2016...

Superfund

EPA, NOAA Differ on Hudson River Dredging Project

Two federal agencies have issued conflicting studies on the nearly completed project to dredge polychlorinated biphenyls from the Hudson River, with the National Oceanic and Atmospheric Administration calling for additional dredging...

Superfund

OIG Flays EPA Superfund, RCRA Financial Assurances

The Environmental Protection Agency is jeopardizing taxpayer dollars, public health and environmental protections by failing to lock in place financial assurances from companies that operate Comprehensive Environmental Response,...

Water Pollution

Des Moines Utility's Battle Over Farm Runoff Causes Rift

In the early spring of 2014, two lab workers for the Des Moines Water Works climbed into a truck and drove north. They pulled over on Highway 20 where the road crosses Cedar Creek, made their way to the water's edge, dunked a cup attached to...

Water Pollution

EPA Power Plant Data Not Available Under Clean Water Act

The Clean Water Act does not preempt the Environmental Protection Agency's ability under the Freedom of Information Act to withhold data it obtained as part of a survey about pollution from steam-driven power plants, a federal district...

Wetlands

U.S.-State Study Charts Long Island Sound Wetlands Loss

Nearly a third of the wetlands along Long Island Sound have disappeared since the 1880s, representing a serious loss for coastal communities, fish and wildlife, according to a federal-state study....

Analytical Methods to Enforce EU's REACH

A compendium of analytical methods that European Union member state authorities can use to enforce manufacturers' compliance with restrictions the European Commission has approved for certain chemicals was announced by the European...

REGULATORY AGENDA

APRIL 1 FEDERAL REGISTER

Comment Deadlines

MARCH 31 FEDERAL REGISTER

Daily Environment Report

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To: Downing, Jane[Downing.Jane@epa.gov]
Cc: Grevatt, Peter[Grevatt.Peter@epa.gov]
From: Pillsbury, Sarah
Sent: Fri 3/18/2016 8:23:52 PM
Subject: FW: Release: NHDES Receives Initial Drinking Water Well Tests for Perfluorooctanoic Acid (PFOA) in Southern New Hampshire
[removed.txt](#)

FYI

Sarah Pillsbury, Administrator

Drinking Water & Groundwater Bureau, NHDES

29 Hazen Drive, PO Box 95, Concord, NH 03302

Tel: (603) 271-1168 | Fax: (603) 271-5171

[NHDES Be Well Informed Private Well App](#) - An interactive web application for private well owners to interpret water quality test results and identify appropriate water treatment options

From: Martin, James
Sent: Friday, March 18, 2016 4:19 PM
Subject: Release: NHDES Receives Initial Drinking Water Well Tests for Perfluorooctanoic Acid (PFOA) in Southern New Hampshire

News from the New Hampshire Department of Environmental Services

FOR IMMEDIATE RELEASE

DATE: March 18, 2016

CONTACT: Jim Martin, 603 271-3710

des.nh.gov

twitter.com/NHDES

NHDES Receives Initial Drinking Water Well Tests for Perfluorooctanoic Acid (PFOA) in Southern New Hampshire

Concord NH - The New Hampshire Department of Environmental Services (NHDES) has received the drinking water well test results from an initial round of testing for Perfluorooctanoic Acid (PFOA) in Merrimack and Litchfield, New Hampshire. The test results show levels of PFOA from 17 to 820 parts per trillion. Test results from the Merrimack Village Water District ranged from 17 to 90 parts per trillion.

The United States Environmental Protection Agency (EPA) has not set an enforceable drinking water standard for PFOA under the federal Safe Drinking Water Act. EPA's Office of Water has, however, established a Provisional Health Advisory (PHA) of 0.4 micrograms per liter ($\mu\text{g/L}$) or 400 parts per trillion for PFOA. That level is set based upon short-term contact and the EPA is currently developing guidance for long-term exposure levels, which EPA is expected to release in the near future. Since EPA has not yet established a Health Advisory for lifetime exposure to PFOA, NHDES, out of an abundance of caution, has decided to provide bottle drinking water to locations using a private well for drinking water for human consumption that contains over 100 parts per trillion of PFOA. NHDES will reassess this situation once EPA provides more definitive guidance.

The Merrimack Village Water District public water supply wells all tested below both the PHA of 400 parts per trillion and the level at which NHDES determined it would be appropriate to initially provide bottled water. Based on this first round of testing, NHDES has initiated additional testing of drinking water wells in both Merrimack and Litchfield.

PFOA, a perfluorochemical (PFC), is part of a family of manmade chemicals that were used for decades as ingredients to make products that resist heat, oil, stains, grease, and water, such as non-stick cookware, weather resistant outdoor clothing and gear, and stain resistant carpeting. Many chemicals in this group, including PFOA, are commonly present in the environment and do not break down easily.

Studies have shown that nearly all people have some level of PFCs in their blood. Potential

health effects from exposure to low levels of PFCs are not well understood. To date studies have not provided consistent answers as to whether PFCs can affect growth and development, hormone levels including thyroid hormone, liver enzyme levels, cholesterol levels, immune function or occurrence of certain types of cancer.

NHDES and the Division of Public Health Services, in coordination with the Towns of Merrimack and Litchfield, invite the public to Public Information Meetings to be held in the Towns of Merrimack and Litchfield to discuss the results of recent drinking water tests related to an investigation of the presence of PFOA in drinking water. Below is the meeting information:

Merrimack: **(NOTE: UPDATED LOCATION)**

Wednesday, March 23, 2016, 7:00 p.m.

James Masticola Upper Elementary School all-purpose room

26 Baboosic Lake Road, Merrimack, NH 03054

Litchfield:

Thursday, March 24, 2016, 7:00 p.m.

Litchfield Middle School cafeteria

19 McElwain Drive, Litchfield, NH 03052

For background, the investigation into the potential presence of perfluorochemicals (PFCs) in drinking water in Merrimack, began several week ago when Saint-Gobain Performance Plastics notified NHDES that perfluorooctanoic acid (PFOA) was detected at low levels [0.03 micrograms per liter ($\mu\text{g/L}$)] in samples taken from four water faucets within their Merrimack facility, which is served by the Merrimack Village District Water System. PFOA has been detected in the Hoosick Falls, NY, water supply and in some private wells in North Bennington, VT, near other Saint-Gobain facilities. Because materials containing PFOA have been used at the plant in Merrimack and out of an abundance of caution, Saint-Gobain voluntarily tested the water at its Merrimack facility and intends to test the groundwater at its facility.

For more information, please visit the NHDES website at www.des.nh.gov or call Jim Martin, NHDES at (603)-271-3710.

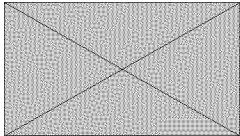
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James Martin

Public Information Officer

Office: 603 271-3710

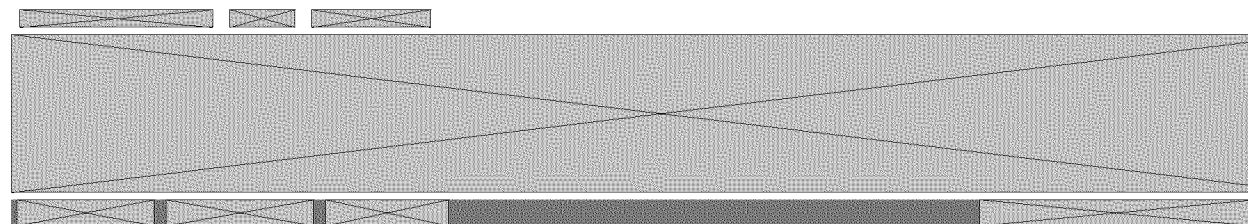
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NEWS

Air Pollution

[Eighth Circuit Affirms EPA Haze Plan for Minnesota](#)

The Eighth U.S. Circuit Court of Appeals again has upheld an Environmental Protection Agency-approved plan for reducing haze in the Boundary Waters Canoe Area Wilderness in northeastern Minnesota (Nat'l Conservation Ass'n v....

Air Pollution

[Volkswagen Sued for \\$3.7B in Germany Over Diesel Scandal](#)

Volkswagen AG is being sued for 3.3 billion euros (\$3.7 billion) over the cover-up of its polluting diesel engines, its biggest legal challenge in Germany after a wave of lawsuits in the U.S. centered on the scandal....

Air Pollution

[Volkswagen U.S. Unit Destroyed Evidence, Ex-Worker Suit Says](#)

Personnel at Volkswagen AG's U.S. unit in Michigan destroyed evidence after the U.S. announced last year that the company had installed illegal devices on hundreds of thousands of vehicles to cheat emissions tests, a former employee...

Air Pollution

[White House Threatens Veto of Coal Refuse Emissions Bill](#)

If Congress passes a bill (H.R. 3797) that would alter the way coal refuse power plants are regulated under a pair of Environmental Protection Agency air pollution rules, White House staff would recommend that President Barack Obama veto the...

Chemicals

[Geneticist to Testify at Birth Defect Trial Against AES](#)

A geneticist may testify in a trial set to begin April 4 that severe congenital abnormalities in children

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were caused by in utero exposure to coal ash waste illegally deposited by AES Corp. near a beach in the Dominican Republic (Pallano v. AES...

Chesapeake Bay

Maryland Phosphorus Rules Based on Soil Testing

Two-thirds of farm fields on Maryland's Lower Eastern Shore will be subject to new regulations intended to limit phosphorus runoff into the Chesapeake Bay, the state Department of Agriculture announced March 14. Of those two-thirds,...

Congress

Senate Action Seen on GMO, Energy Bills Before Break

Senate Republican leaders are working to pass a half-dozen or more items before lawmakers leave for a two-week break March 17, including a long-delayed comprehensive energy bill and a fix for Michigan's drinking water crisis....

Drinking Water

Capitol Hill, Officials Point Fingers Before Flint Hearings

In the days before the House Oversight and Government Reform Committee convenes what may be its highest profile hearings yet on the drinking water crisis in Flint, Mich., entities on all sides sought to put their ducks in a row in the public's...

Drinking Water

PFOA Undetectable in Hoosick Falls Water, Cuomo Says

Filtration of the water supply in Hoosick Falls, N.Y., has brought perfluorooctanoic acid (PFOA) contamination to undetectable levels, New York Gov. Andrew M. Cuomo (D) announced. The state Health Department will continue to test water...

Energy

Companies Demand Fix for Investment Tax Credit Extension

A year-end budget deal extending a prized renewable energy tax break had one major flaw, industry lobbyists say: It mistakenly cut out technologies such as geothermal, fuel cells and smaller wind projects. Now, dozens of energy companies...

Energy Efficiency

DOE Rule Would Increase Commercial Boiler Energy Efficiency

An Energy Department proposed rule would slightly increase the energy efficiency for commercial packaged boilers used to heat businesses, but energy efficiency advocates say the proposed standards aren't strong enough....

Energy

House Passes Two FERC Bills, One Energy Efficiency Bill

The House passed three energy bills by voice vote March 14, including the Fair RATES Act (H.R. 2984), which would amend the Federal Power Act so that proposed rate changes would go into effect after 60 days if the Federal Energy Regulatory Commission...

Enforcement

Canada Finalizes Fines for Offshore Environmental Damage

Canada finalized a series of regulations to allow for fines of up to C\$100,000 (\$74,000) a day for environmental damage caused by offshore oil and gas activity, to boost "no fault" liability limits for offshore operators to C\$1 billion...

Enforcement

Lawyers: Flint Criminal Probe Likely Excludes Water Charges

Everyone from members of the general public to presidential hopefuls have called for those

responsible for the Flint, Mich., drinking water crisis to be identified and held accountable, but few have offered specifics on how to harness the...

EPA

Inspector General Examines Information Security at EPA

The Environmental Protection Agency's Office of Inspector General announced March 14 it would examine how well the agency protects personally identifiable and national security information. ...

Hydraulic Fracturing

\$4.2 Million Fracking Verdict Likely to Spark More Suits

A recent jury verdict and \$4.2 million award in favor of two Pennsylvania families who alleged fracking operations contaminated their wellwater is likely to trigger the filing of more, similar suits, sources told Bloomberg BNA....

Hydraulic Fracturing

Ohio Water Methane Linked to Coal, Not to Fracking

An independent academic study of methane pollution in water wells in Ohio concluded that naturally occurring coalbed methane, not hydraulic fracturing, is the culprit....

Oil & Gas

Keep Atlantic Coast in Leasing Plan: Oil-Gas Groups

Lobbyists have been hearing that the next stage of a planned five-year offshore leasing program for oil and natural gas exploration may be issued this week, galvanizing industry associations to renew their calls for Atlantic exploration...

Oil & Gas

Offshore Drilling Battleground Virginia to Learn Fate

From the shores of Savannah, Ga., to the Beaufort, N.C. beachfront, coastal communities in conservative Southern states have locked arms in opposition to oil and gas drilling in the Atlantic waters lapping their shores....

Radioactive Waste

Grijalva Presses EPA to Tackle South Florida Waste Leakage

The top Democrat on the House Natural Resources Committee is pushing the Environmental Protection Agency to stop a South Florida power plant from leaking radioactive waste into surrounding waters following a scathing local government report...

Renewable Energy

Solar Debate Heads to Foggy Maine; Panels Are Scarce

Despite long winters, a famously foggy coastline and relatively few solar panels in operation, Maine is emerging as a pivotal U.S. state for determining how consumers will pay for power generated by the sun....

Renewable Energy

Toyota, Partners Begin Hydrogen Supply Chain Project

Toyota Motor Corp. and partners will begin a project to use hydrogen produced from renewable energy to power forklifts and test the feasibility of a low-carbon hydrogen supply chain....

Risk Assessment

EPA Publishes Risk Management Program Revision

The Environmental Protection Agency published a revision (RIN 2050-AG82) to its Risk Management Program in the Federal Register (81 Fed. Reg. 13,638) on March 14. The agency on Feb. 25 floated the proposal, which amends the RMP's accident...

Trade

Canada Shut Out of Solar Case

The governments of Canada and eight of its provinces cannot take part in litigation challenging U.S. countervailing duties on Chinese solar panels, the Court of International Trade ruled March 14 (Changzhou Trina Solar Energy Co. v. United...

Trade

DOE Proposed Import Reporting Requirement Criticized

A proposal to require importers of products or equipment subject to an energy conservation standard to provide the Energy Department with certain electronic data before items may be imported into the U.S. came under fire by the Retail Industry...

Water Pollution

Power Plants Petition for Water Rule Rehearing

The Utility Water Act Group asked the full U.S. Court of Appeals for the Sixth Circuit to rehear a petition on whether a federal appeals court is the appropriate venue to hear challenges to the Clean Water Rule (Ohio v. U.S. Army Corps of Eng'rs...

INTERVIEW

Coal Mining

Joe Pizarchik: From Coal-Country Kid to Top Coal Regulator

The Octagon Room served as the nerve center for British and U.S. military chiefs during World War II and was used to plan the defeat of Nazi Germany. The historic office now belongs to Joe Pizarchik, who says working there gives him some perspective...

REGULATORY AGENDA**Comment Deadlines****MARCH 14 FEDERAL REGISTER****MARCH 15 FEDERAL REGISTER**

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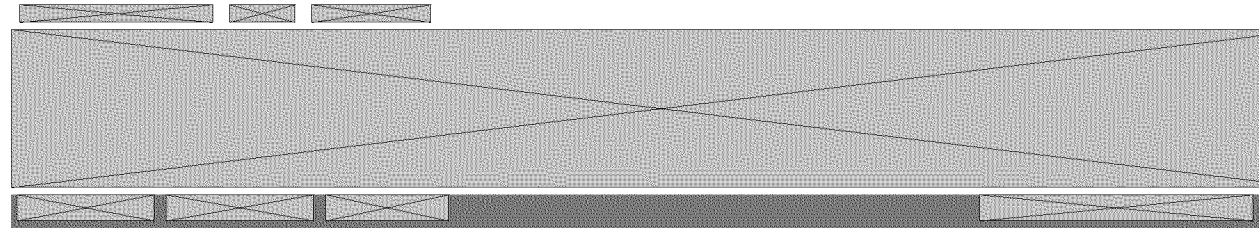
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NEWS

Air Pollution

[Comment Period Open on Sulfur Designations](#)

The Environmental Protection Agency will accept comments through March 31 on its proposal to designate 12 areas as being in nonattainment of the 2012 national ambient air quality standards for sulfur dioxide. The agency on Feb. 17 released...

Air Pollution

[Environmental Groups Seek to Defend Refinery Rule](#)

A coalition of 11 environmental and public health groups want to help the Environmental Protection Agency defend its 2015 revised air pollution standards for refineries from industry lawsuits (Am. Fuel & Petrochemical Mfrs. v. EPA,...

Air Pollution

[EPA Says Ozone Designations Consistent With Past](#)

The process for designating areas under the 2015 national ozone standards will largely be consistent with the Environmental Protection Agency's process under past standards, the agency said in a guidance document....

Air Pollution

[U.K. Could Face Tougher EU Pollution Rules if It Quits Bloc](#)

If Britain departs from the European Union, the action could free up officials in Brussels to tighten air-pollution regulations everywhere in the region—including in the U.K.—because of a twist in the free-trade laws likely...

Air Pollution

[VW Official Says Diesel Talks Could Still Take Months](#)

Almost six months after Volkswagen AG's emissions cheating became public, Chief Executive

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Officer Matthias Mueller said talks with U.S. regulators on fixing the rigged engines may take a few more weeks or months....

Chemicals

Buffalo Childhood Lead Poisoning Prevention Funded

A Buffalo community organization will receive \$346,835 for hazard intervention and remediation programs to address lead in the city's homes, New York Attorney General Eric T. Schneiderman (D) announced Feb. 28....

Chemicals

Casey's Office Vows EPA Outreach Over Asbestos Site

Staff for Sen. Bob Casey (D-Pa.) plan to reach out to the Environmental Protection Agency to press constituent concerns over ongoing health risks posed by asbestos near former Superfund sites in Ambler, Pa., Casey's spokesman told Bloomberg...

Chemicals

Immunotoxicity From PFOA, PFOS Analyzed in Report

The National Toxicology Program will release for public comment by June 7 a draft monograph analyzing the immunotoxicity effects resulting from exposure to perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). A peer review...

Chemicals

States to Focus on Flame Retardants, Chemical Disclosure

In 2016, states with Republican- and Democratic-controlled legislatures are expected to consider bills to phase out flame retardants, increase chemical disclosure and reduce children's exposure to lead, cadmium and other chemicals....

Chesapeake Bay

Supreme Court Declines to Hear Appeal to Chesapeake Bay Plan

The U.S. Supreme Court Feb. 29 declined to hear a petition by the American Farm Bureau Federation challenging the legality of a cleanup plan to restore the Chesapeake Bay (Am. Farm Bureau Fed'n v. EPA, U.S., 15-00599, 2/29/16)....

Climate Regulation

Report Warns of Increasing Petrochemical Emissions

Forty-four petrochemical facilities proposed or permitted in 2015 could increase greenhouse gas pollution by 86 million tons a year, according to a Feb. 29 report from the Environmental Integrity Project. Those emissions would be the equivalent...

Climate Regulation

Washington State Regulators to Rewrite Carbon Rule

Washington state business welcomed the announcement by the Department of Ecology that it is withdrawing for rewrite a draft rule that would require entities emitting at least 100,000 metric tons of greenhouse gases annually to cut carbon...

Coal Mining

Republicans Seek Interior Justification for Coal Lease Halt

The Interior Department must send its legal justification to Congress for a recent decision to halt most new coal leases and to reassess the environmental impacts of its coal program, several Republicans in Congress told Interior Secretary...

Drinking Water

Elevated PFOA Found in 29 Percent of Hoosick Falls Wells

The chemical perfluorooctanoic acid (PFOA) has been found at levels exceeding a federal advisory

level of 100 parts per trillion in 29 percent of the public and private wells recently tested by New York in Hoosick Falls, N.Y., the state Department...

Endangered Species

Idaho Details Objections to Sage Grouse Rules

Idaho's governor and Legislature filed a brief detailing their arguments that new federal protections for greater sage grouse birds violated federal laws on environmental analysis and land management (Otter v. Jewell, D.D.C., No....

Energy

Canada, China Agree to Cooperate on Clean Energy

Canada and China have agreed to cooperate on clean technology initiatives, Natural Resources Canada said. The Joint Declaration on Canada-China Clean Technology Cooperation calls for the countries to share best practices in setting clean...

Energy

Chinese Coal Use Drops Amid Nuclear, Renewables Rise

China consumed about 4 percent less coal last year while renewable energy from solar power grew almost three-quarters, underscoring President Xi Jinping's drive to reduce pollution and cut industrial overcapacity....

Energy

House Passes Advanced Nuclear, Other Energy Bills

The House voted Feb. 29 to pass legislation that would require the Energy Department to prioritize the development of advanced nuclear reactors....

Energy

India Doubles Coal Tax, Risks Higher Electricity Costs

To help reduce pollution, India doubled the clean-energy tax on coal, risking higher electricity-generation costs at a time when the government is seeking to revive ailing power distributors....

Enforcement

British Columbia Mines Penalties Could Rise to \$1M

Proposed amendments to British Columbia's Mines Act introduced Feb. 25 would strengthen the province's regulatory oversight of the mining industry and give the provincial Ministry of Energy and Mines additional compliance and...

Enforcement

Lockheed to Pay \$5 Million Over RCRA Violations

Lockheed Martin Corp. and two subsidiaries have agreed to pay \$5 million in penalties over false claims submitted to the Energy Department for payments connected to contracted work at a uranium enrichment facility in Paducah, Ky., the Justice...

Enforcement

Ontario Gold Mine Fined for Illegally Dumping Effluent

An Ontario gold mine was fined C\$350,000 (\$259,000) for illegally dumping effluent containing cyanide and metals into a fish-bearing stream. The Ontario Court of Justice levied a C\$175,000 (\$129,500) fine against Wesdome Gold Mines Ltd....

Environmental Justice

Bill Would Incentivize Environmental Justice Efforts

Rep. John Lewis (D-Ga.) introduced a bill that would encourage universities and others to address environmental issues addressing low-income and minority communities. The Environmental Justice Act of 2016 (H.R. 4645) would establish...

Environmental Reviews

Voters Reject Mall That Skirted California Review

A regional mall that skirted state environmental review through the ballot initiative process has been rejected by voters in Carlsbad, Calif. "While we had hoped for a different outcome, we are proud of our effort, our plan, the integrity..."

EPA

McCarthy Touts EPA's Role as Public Health Agency

The ongoing water contamination crisis in Flint, Mich., and the effects of a warming climate underscore the Environmental Protection Agency's role as a public health organization, Administrator Gina McCarthy said....

International Climate

Ontario Unveils Cap-and-Trade Details for 2017

Companies with more than 25,000 metric tons of greenhouse gas emissions annually will be required to take part in Ontario's emissions cap-and-trade program when it starts next year, the government announced....

Legislation

Cornyn: Holds Remain on Energy Bill, Flint Package

Multiple holds remain on a legislative deal that would bring stalled energy legislation and aid for Flint, Mich., to the Senate floor, Sen. John Cornyn (R-Texas) told reporters Feb. 29....

Pesticides

Colorado: Two Marijuana Growers Used Unsafe Pesticides

Colorado has issued public health and safety advisories after identifying potentially unsafe pesticide residues on marijuana products produced by two growers in the state....

Pipeline Safety

Cuomo Seeks Halt of Algonquin Gas Line for Safety Review

New York Gov. Andrew Cuomo urged federal energy regulators to suspend construction on Spectra Energy Corp.'s Algonquin natural gas pipeline until an analysis of the safety risks is completed....

Pipeline Safety

House Pipeline Safety Draft Differs From Senate Bill

A House subcommittee will consider March 1 draft pipeline safety reauthorization legislation that somewhat overlaps with a Senate bill expected to pass this week....

Radioactive Waste

Lawmakers Seek GAO Study of DOE's Ability to Complete Yucca

Reps. Fred Upton (R-Mich.) and John Shimkus (R-Ill.) asked the Government Accountability Office to study whether the Energy Department is able to complete the review of the Yucca Mountain nuclear waste license application. ...

Renewable Energy

Markey to Propose Extending Credit to Spur Offshore Wind

Sen. Edward J. Markey (D-Mass.) plans to introduce legislation "soon" to extend a federal tax credit that will spur wind-farm development in coastal waters....

Renewable Energy

Turbine Developer: U.S. Offshore Wind Must Think Big

Offshore wind companies need to install 500 megawatts annually for the next 15 years for the

technology to make economic sense in the U.S., according to Dong Energy A/S, the world's biggest developer of sea-based turbines....

Solid Waste

Cuomo Announces Plan to Widen N.Y. Solid Waste Controls

State controls would be extended over previously unregulated solid waste streams and rules for existing landfills and other waste facilities would be tightened, under a set of proposed regulations announced Feb. 29 by New York Gov. Andrew...

Superfund

Colorado Governor Seeks Superfund Cleanup of Gold King Mine

Colorado Gov. John Hickenlooper (D) asked the Environmental Protection Agency to expedite Superfund cleanup for the mining district near Silverton, Colo., where EPA investigators triggered the spill of some 3 million gallons of mining...

Trade

Canada-EU Amendments Address Environmental Regulation

Environment Minister Catherine McKenna Feb. 29 called the proposed Canada-European Union trade deal a "perfect example" of the complementary nature of environmental and economic policies. ...

Water Pollution

Inhofe Demands EPA Response Over Water Rule Promotion

Sen. James Inhofe (R-Okla.) wants to know why the Environmental Protection Agency still hasn't reported that it violated federal appropriations laws by promoting its Clean Water Act jurisdiction rule through social media....

Water Pollution

Rehearing Sought in Venue Ruling for Water Rule Lawsuits

The full U.S. Court of Appeals for the Sixth Circuit has been asked to consider a ruling by a three-judge panel of the court on whether it is the appropriate venue to hear challenges to the a rule clarifying the scope of Clean Water Act jurisdiction...

BNA INSIGHTS

An In-Depth Look Into the Role of Environmental Liability Transfers During Corporate Divestitures

The pace of change in market conditions today is moving at unprecedented speeds. New industrial technologies and cleaner energy solutions are forcing well-established corporations and traditional energy providers to pivot to accommodate...

SPECIAL REPORT

Chemicals

Making In Vitro Chemical Data Useful for Decisions

Scientists working for federal agencies, chemical manufacturers and other institutions are working to combine information from in vitro chemical bioactivity tests and computer models with exposure estimates to provide useful information...

INTERVIEW

Climate Change

Ted Lieu Sees Prosecution of Fossil Fuel Companies Ahead Over Climate Denial

Rep. Ted Lieu (D-Calif.) just arrived in the House in 2015 but has already been outspoken in urging the federal government to investigate whether fossil fuel companies intentionally hid the truth about the risks of climate change. In a Feb....

REGULATORY AGENDA

Water Pollution

Rehearing Sought in Venue Ruling for Water Rule Lawsuits

The full U.S. Court of Appeals for the Sixth Circuit has been asked to consider a ruling by a three-judge panel of the court on whether it is the appropriate venue to hear challenges to the a rule clarifying the scope of Clean Water Act jurisdiction...

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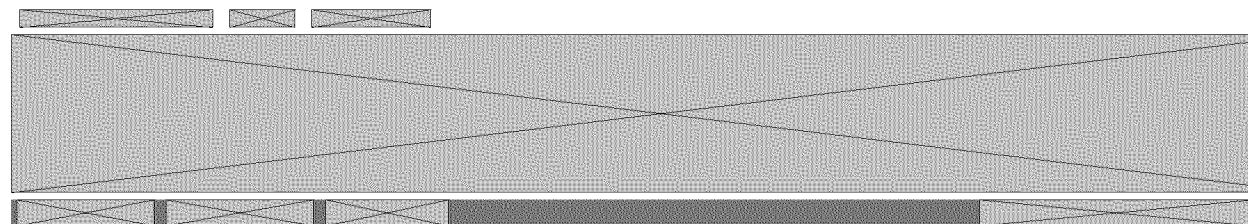
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NEWS

Air Pollution

[20 States Ask Supreme Court to Stay EPA Mercury Rule](#)

A coalition of 20 states led by Michigan asked the U.S. Supreme Court to stay implementation of a multibillion-dollar rule to limit mercury emissions from power plants, a development that attorneys said will test the high court's willingness...

Air Pollution

[Court Upholds Federal Plan for Haze in Arizona](#)

A federal appeals court upheld the Environmental Protection Agency's decision to impose a federal plan setting emissions limits on a coal-fired power plant in Arizona after partially rejecting the state's plan as inadequate (Arizona...

Air Pollution

[EPA Ends Recordkeeping Requirements for Pollutant](#)

Businesses will no longer be subject to recordkeeping and reporting requirements under the Clean Air Act related to the use of t-butyl acetate, which is used as a solvent in paints, inks and adhesives. The agency, in a final rule scheduled for...

Air Pollution

[EPA Keeps Testing Component in Sewage Sludge Plan](#)

A final federal plan to implement sewage sludge incinerator emissions guidelines in states that choose not to develop their own plans will not include a revised testing procedure sought by sewage system operators....

Air Pollution

[Haze Lawsuit to Continue After Cross-State Ruling](#)

Lawsuits challenging a 2012 Environmental Protection Agency rule that allowed states to use

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emissions trading under the Cross-State Air Pollution Rule to fulfill obligations under the regional haze program will finally be allowed to continue,...

Air Pollution

India's Air Pollution Levels Said to Surpass China's

The average Indian faced more particulate pollution than the average Chinese person in 2015, the first time on record, Greenpeace India said in a study. Air pollution levels in India, especially North India, have risen over the past decade...

Biotechnology

Senate Moving to Invalidate State GMO Laws

Congress may be headed for an election-year decision on whether to help big food companies that don't want to comply with a new Vermont state law designed to give consumers more information about what is on their plates....

Chemicals

California Study Finds PBDEs Levels Lower in Breast Milk

Levels of polybrominated diphenyl ethers (PBDEs) found in breast milk of California women have dropped dramatically since the state's 2008 ban on the manufacture and sale of products with the flame retardant, according to a study by...

Chemicals

Seven Chemicals May Cause Human Cancer, WHO Agency Says

The International Agency for Research on Cancer has classified seven widely used chemicals as either probably or possibly carcinogenic to people, the agency announced Feb. 24....

Climate Change

Bill Gates Q&A on Climate Change: 'We Need a Miracle'

All we need is an energy miracle. So came the call from Bill Gates on Feb. 22 with the release of his annual letter. ...

Climate Change

Free-Market Groups Urge Congress to Oppose Carbon Tax

Twenty free-market organizations released a letter Feb. 24 urging Congress against pursuing any sort of carbon tax because they said allowing one would harm the nation's economy....

Climate Change

Investors Seek Vote on Climate Proposal at Exxon Mobil

Investors representing more than \$1 billion in Exxon Mobil Corp. shares are asking the Securities and Exchange Commission to let a shareholder resolution on climate change onto the company's proxy....

Climate Change

McKenna: Canada Will Review 'Climate Test' Call

Canada will review a proposal by environmental groups for a "climate test" that would call on policy makers to consider international climate change goals before approving major new energy projects....

Climate Regulation

McCarthy: EPA Underestimated Methane From Oil and Gas

The Environmental Protection Agency has been "substantially" underestimating emissions of methane from the oil and natural gas sector, and that could drive new agency regulations going forward, Administrator Gina McCarthy said...

Corporate Responsibility

Vermont Pension Board Softens Stance Against Coal Divestment

Vermont Gov. Peter Shumlin's effort to divest the state of coal, gas and oil stocks inched forward Feb. 23 when a pension committee voted to vet the issue....

Drinking Water

Class Action Filed Over PFOA Contamination in N.Y.

Residents of Hoosick Falls, N.Y., filed a class action lawsuit Feb. 24 in federal court against Saint-Gobain Performance Plastics Corp. and Honeywell International Inc., seeking damages for contamination of their water supply with perfluorooctanoic...

Drinking Water

EPA Recommends Bottled Water in PFOA Contaminated Areas

The Environmental Protection Agency is urging people to use bottled water for cooking and drinking in areas such as Hoosick Falls in upstate New York where tap water has been found to contain concentrations well over the EPA's provisional...

Drinking Water

Flint Deal Paves Way for Senate Action on Energy Bill

A deal announced Feb. 24 that would steer federal funding to help Flint, Mich., fix its lead-tainted drinking water system paves the way for the U.S. Senate to resume debate on broad energy legislation....

Elections

Climate Activists Use Cameras to Put Pressure on Clinton

Griffin Sinclair-Wingate was pressed against the edge of the stage after a debate in New Hampshire when he got his crack at Hillary Clinton....

Emissions Trading

Guangdong to Include New Industries in Carbon Exchange

China's southern province of Guangdong is planning to expand the number of industries to be included in its carbon-trading exchange amid steps to integrate the regional trading program into a planned national emissions exchange....

Energy

Energy Department Promotes More Research

The Energy Department announced Feb. 24 the launch of its Energy Materials Network to enhance collaboration on research and development of advanced materials. The initiative will use funding channeled through the department's Office...

Energy

Justices Appear Convinced State Subsidy Enters FERC Turf

The majority of the U.S. Supreme Court justices appeared convinced during oral arguments that a Maryland subsidy program to encourage new electricity generation in the state crossed into the Federal Energy Regulatory Commission's...

Energy

Moniz: Aliso Canyon Takeaway Is Aging Infrastructure

The recent gas leak in Southern California highlights the importance of addressing the aging energy infrastructure, Energy Secretary Ernest Moniz said Feb. 24 in Houston....

Energy

Sixth Circuit Says Gas Storage Case Should Be Stayed

A suit brought by 40 landowners against a natural gas company should be stayed, not dismissed,

pending a class certification decision in an earlier filed case, the U.S. Court of Appeals for the Sixth Circuit ruled Feb. 24 (*Baatz v. Columbia Gas...*

Environmental Justice

'Conservative' for States to Develop Power Plans: White House

Preparing to comply with the Clean Power Plan would be the "conservative" option for states and communities seeking the environmental benefits despite the U.S. Supreme Court's decision to halt the rule's implementation,...

Hazardous Waste

HHS Agency Seeks Public Review on Bromopropane, Jet Fuel

The Agency for Toxic Substances and Disease Registry (ATSDR) floated two new toxicological profiles for public review in a Federal Register notice Feb. 24 as part of a long-standing effort to identify hazards at defense facilities....

Hydraulic Fracturing

Colorado Lawmakers Kill Bill to Stop Fracking Bans

A Colorado legislative committee Feb. 24 defeated a bill (H.B. 1181) that would have required local governments to compensate mineral royalty owners when a local ordinance banning hydraulic fracturing prevents them from recovering oil...

Insurance

Insurer Owes No Coverage to Condo for Mold Cleanup

An insurer owes no coverage for a condominium management company's mold abatement because it had no legal obligation to conduct the cleanup, the Eighth Circuit ruled Feb. 24 (*Busch Prop. Inc. v. Nat'l Union Fire Ins. Co. of Pittsburgh...*

International Climate

Decline of Power Plant Emissions Likely Without EPA Limits

Carbon pollution from the U.S. power sector will likely continue to fall sharply through 2025 with or without Obama administration carbon pollution limits recently put on hold by the U.S. Supreme Court, an analyst said Feb. 24....

International Climate

No Reason to Deepen EU Carbon Goal Now, Group Says

Europe should not toughen its pollution-reduction goals in immediate reaction to a global climate agreement reached in Paris in December, according to the region's biggest association of employers....

Mining

Murray Energy: Mining Rule Would Eliminate Coal Industry

A pending mining waste rule would drive between 40,000 and 77,000 coal miners out of work and slash as much as \$58.7 billion from the gross domestic product, a mining company official told a House subcommittee Feb. 24....

Mining

Peabody Energy No Longer Able to Self-Bond, Group Alleges

WildEarth Guardians has given Peabody Energy notice of intent to sue, saying the financial condition of the large mining company means it no longer qualifies to "self-bond" its mines in Colorado, New Mexico and Wyoming. ...

Pesticides

European Commission to Propose Glyphosate Reapproval

The European Commission will propose to renew until 2031 the authorization in the European

Union of the widely used pesticide glyphosate, according to a draft regulation obtained by Bloomberg BNA....

REACH

REACH Enforcement Project Finds High Level of Compliance in EU

A coordinated enforcement project involving 18 countries turned up only three breaches of decisions taken under the European Union's REACH regulation to phase out two hazardous substances, the European Chemicals Agency (ECHA) said...

Regulatory Policy

No Consensus on Fixing Unfunded Mandates Act

Although there is broad agreement that the Unfunded Mandates Reform Act of 1995 has holes and needs to be fixed, no consensus about how to do that emerged from a Senate hearing on the issue....

Regulatory Policy

Zombie Working Group May Come Back to Life: Lankford

A bipartisan working group in the Senate tasked with crafting a package of changes to the regulatory process has fallen apart for the moment, although Republicans are hopeful that Democrats will come back to the table, said Sen. James Lankford...

Renewable Energy

Brooklyn Site Seen as Base to Build Offshore Wind Farm

Deepwater Wind LLC, the company building the only U.S. offshore wind farm, is looking at a Brooklyn waterfront site as a staging ground as it pursues a potential project off the south shore of Long Island, according to a person familiar with the...

Sustainability

Gore Sees Sustainable Investments Eclipsing 'Tens of Trillions'

Al Gore started an investment business a dozen years ago, aiming to put money in the sort of companies that aligned with his vision of a world in transition....

Trade

U.S. Prevails in WTO Dispute Against India's Solar Program

A World Trade Organization dispute panel backed U.S. allegations that India's national solar program violated international trade rules and unfairly discriminated against imported solar cells and modules. ...

Vehicle Fuels

Inhofe: Congress Must Act on Fuel Standard by 2022

Congress must decide what to do with the renewable fuel standard by 2022 to prevent the Environmental Protection Agency from having full control over it, Sen. James Inhofe (R-Okla.) said Feb. 24 at an oversight hearing on the requirements for...

Water Pollution

NPDES Permit for Beef Plant Can Transfer to New Owner

The city of Brawley, Calif., has approved the transfer of a Clean Water Act discharge permit held by the prior owner of a beef plant to the prospective proprietor....

Water Pollution

Research: Microplastics in Rivers Despite Treatment

Thousands and perhaps millions of tiny shards of plastic that are less than 5 millimeters wide are entering urban rivers in Illinois every day after eluding capture at wastewater treatment plants, according to research by Chicago-based Loyola...

Water Resources

Lawmakers Soften Criticism of Water Project Work

The U.S. Army Corps of Engineers is getting better at reviewing potential water infrastructure projects and reporting them to Congress but still needs improvement, lawmakers told corps leaders Feb. 24....

Water Resources

Texas Supreme Court Lets Stand Drought Rules Invalidation

A ruling that invalidated emergency drought rules allowing Texas's water regulator to suspend some junior water rights, but not those held by power generators and cities for public health, safety and welfare concerns, will stand after...

REGULATORY AGENDA

Comment Deadlines

FEBRUARY 24 FEDERAL REGISTER

FEBRUARY 25 FEDERAL REGISTER

Daily Environment Report

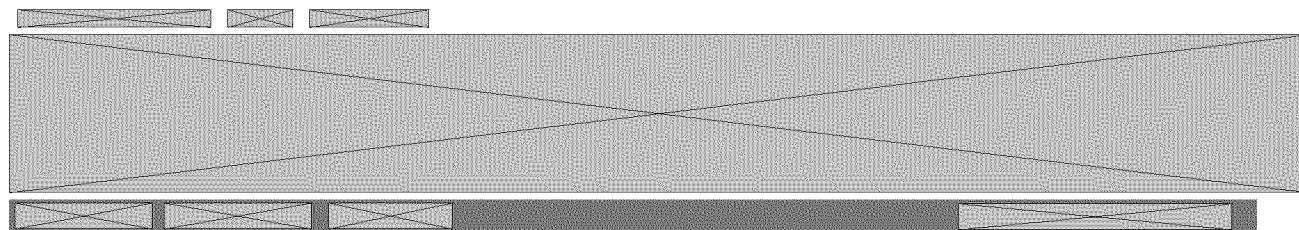
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Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Methane From Oil, Gas Sector Higher Than Thought: EPA Chief

Posted February 24, 2016, 4:21 P.M. ET

By [Nushin Huq](#)

Methane emissions from the oil and gas sector are much higher than the Environmental Protection Agency previously thought, Administrator Gina McCarthy said today in Houston.

The most recent greenhouse gas inventory revealed higher levels from all parts of the energy sector, from storage to pipelines, McCarthy said. While emissions have not necessarily gone up, she said, the new report better captures data.

Voluntary agreements on emission reductions have not been as productive with the oil and gas industry compared to other industries, such as utilities and mining, McCarthy said at the IHS CERAWeek conference.

EPA will finalize its methane rules to regulate emissions from new oil and gas wells this spring, McCarthy said. When asked if this means the EPA will regulate natural gas more, she said, "We already are."

20 States Ask U.S. Supreme Court to Stay EPA Mercury Rule

Posted February 24, 2016, 12:45 P.M. ET

By [Patrick Ambrosio](#)

A coalition of 20 states, led by Michigan, asked the U.S. Supreme Court to stay implementation of a multibillion-dollar rule limiting mercury emissions from power plants.

The states, in a [petition](#) filed today, said a stay is appropriate because the Supreme Court already decided in June 2015 that the Environmental Protection Agency violated the Clean Air Act when it failed to consider cost in making a finding that it was "appropriate and necessary" to regulate those emissions. That EPA finding triggered a requirement that the agency move ahead with a rulemaking process that resulted in promulgation of the Mercury and Air Toxics Standards.

The Supreme Court, in its 2015 opinion authored by Justice Antonin Scalia, remanded the rule back to the D.C. Circuit, which opted in December to leave the regulation in place while the EPA works to address the Supreme Court's holding.

"This is an unmistakable example of agency overreach," the states said today. "An executive agency strayed far beyond the limited authority the legislative branch gave it, and then, when this court corrected the agency's error, the EPA requested on remand that the unauthorized, unlawful regulation should be left in place to have the force of law."

The states argued that a stay is even more warranted for the MATS rule than it was for the Clean Power Plan, the Obama administration's carbon dioxide standards for power plants. The Supreme Court, in a 5-4 order issued prior to Scalia's death, granted a stay of the Clean Power Plan pending review by the D.C. Circuit and the Supreme Court.

Flint Legislation 'Hotlined,' Inhofe Says

Posted February 24, 2016, 2:53 P.M. ET

By [Ari Natter](#)

Legislation that would provide funding to help Flint, Mich., deal with its lead-tainted drinking water and in the process allow stalled Senate energy legislation (S. 2012) to proceed has been "hotlined," Sen. Jim Inhofe (R-Okla.) told Bloomberg BNA today.

The term refers to when the Senate majority leader and minority leader agree to bring a measure to the floor by unanimous consent, and use a special phone line to lawmakers' offices to see if there are any objections.

Inhofe said he expects to know if there are any objections later this afternoon. "I feel pretty optimistic that we'll go ahead and do it," Inhofe said. But he added that once the measure gets to the Senate floor: "It might not pass. It will take 60 votes."

'About 30' Energy Bill Amendments Possible as Part of Flint Deal: Cornyn

Posted February 24, 2016, 1:30 P.M. ET

By [Ari Natter](#)

A deal in the works to move back to stalled Senate energy legislation (S. 2012) includes a request to hold a voice vote on "about 30 amendments," Sen. John Cornyn (R-Texas) told reporters today.

In addition, "a handful of other items" would receive roll call votes, he said without elaborating.

Sen. John Thune (R-S.D.) said: "It sounds like they are close to reaching an agreement."

Power Emissions to Decline Even Without Clean Power Plan: Analyst

Posted February 24, 2016, 4:13 P.M. ET

By [Dean Scott](#)

Carbon pollution from the U.S. power sector is likely to continue to fall sharply through 2025 with or without Obama administration carbon pollution limits recently put on hold by the U.S. Supreme Court, an analyst said today.

U.S. carbon dioxide emissions from the sector would total nearly 2.08 billion metric tons in 2025 if the high court ultimately decides to overturn the power sector limits, according to John Larsen, director of the Rhodium Group and a former official with the Energy Department.

But Larsen characterized that as a relatively modest impact compared to if the carbon limits were untouched by the court and fully implemented by the Environmental Protection Agency. That scenario would bring the sector's total down to about 1.76 billion tons in 2025.

The impact of leaving the EPA limits in place is so small—just over 300 million metric tons—largely because of other positive trends that have little to do with the regulations, Larsen said, speaking at a forum held by the New America

think tank and the Center for Climate and Energy Solutions.

Two big factors, Larsen said, are declining costs of solar and wind energy, which he said will only continue to fall, and the five year-extension of solar investment and wind production tax credits included in the omnibus funding bill enacted in December.

Companies Face Class Action Over PFOA Contamination in N.Y.

Posted February 24, 2016, 2:35 P.M. ET

By [Amena H. Saiyid](#)

Residents of Hoosick Falls, N.Y., filed a class action [lawsuit](#) against Saint-Gobain Performance Plastics Corp. and Honeywell International Inc., holding the two companies responsible for contaminating the aquifer underlying the village with the perfluorooctanoic acid (PFOA).

The lawsuit also accuses the two companies of being responsible for the presence of PFOA in the municipal water supply, private wells and local aquifer, "creating a public health crisis for residents and hurting property values."

The Environmental Protection Agency on Jan. 28 recommended that people in the Town of Hoosick and Village of Hoosick Falls who have private wells with PFOA concentration of 100 parts per trillion or more use bottled water for cooking and drinking. The state of New York also in January declared the village to be a Superfund site, thereby activating emergency funds to address the problem.

The New York-based Weitz & Luxenberg P.C. filed the lawsuit on behalf of the village residents in U.S. District Court for the Northern District of New York.

Insurer Owes No Coverage to Condo Manager for Mold Cleanup

Posted February 24, 2016, 3:45 P.M. ET

By [Peter Hayes](#)

An insurer owes no coverage for a condominium management company's mold abatement because it had no legal obligation to conduct the cleanup, the Eighth Circuit [ruled](#) today.

Without a settled claim or a settlement or judgment arising from a suit, the management company wasn't "legally obligated to pay by reason of liability imposed by law," the court said. As a result, there is no coverage under Missouri law.

The management company voluntarily conducted abatement of mold caused by vinyl wallpaper that trapped moisture. Consent forms signed by each owner didn't include an admission of liability, but didn't include a release or settlement of potential claims the property owner might have against the management company.

Judge Lavenski R. Smith wrote the opinion. Judges Diana E. Murphy and Michael Melloy were also on the panel.

Dowd & Bennett in St. Louis represented Busch Properties.

Foland & Wickens in Kansas City represented National Union.

Seven Chemicals May Cause Human Cancer, WHO Agency Says

Posted February 24, 2016, 11:48 A.M. ET

By [Pat Rizzuto](#)

Hydrazine, a rocket propellant; 2-mercaptobenzothiazole, a chemical used in rubber; and dimethylformamide, an acrylic-fiber chemical have all been classified as probably carcinogenic to humans, a World Health Organization agency announced today.

A majority of the scientists that WHO's International Agency for Research on Cancer (IARC) asked to review seven

chemicals also classified tetrabromobisphenol A, a widely used flame retardant, as probably carcinogenic to humans.

The panel classified 1-bromopropane, a vapor degreaser; 3-chloro-2-methylpropene, an industrial chemical and seed fumigant; and dimethyl-p-toluidine, which is used to make dental materials, bone cements, industrial glues and artificial fingernail preparations, as possibly carcinogenic to humans.

Albemarle Corp., the Dow Chemical Corp. and the Chevron Corp. are among the companies that make some of these chemicals, some or all of which are produced in volumes of one million pounds or more per year.

IARC's conclusions about the hazards chemicals pose can affect how chemicals are labeled and the safety information that must be provided to workers. Its conclusions on these seven chemicals, reached during a Feb. 2-9 meeting of scientists, were published in the Lancet.

Justices Debate Whether State Subsidy Enters FERC Turf

Posted February 24, 2016, 1:58 P.M. ET

By [Rebecca Kern](#)

U.S. Supreme Court justices today questioned whether a Maryland subsidy encouraging new electricity generation in the state crossed into the Federal Energy Regulatory Commission's authority over the wholesale energy markets.

Justice Sonia Sotomayor appeared to side with the federal government in saying that the case represented conflict preemption, with Maryland's subsidy program intruding into FERC's mechanism for setting wholesale electricity rates.

Maryland ordered utilities to enter into 20-year contracts with CPV Maryland LLC to build a new generation facility, and bid into PJM Interconnection LLC capacity markets, which FERC oversees.

Scott Strauss argued on behalf of the Maryland Public Service Commission that the contracts that bid and cleared into PJM's markets did not distort market pricing. Strauss also said states have the authority to regulate and build new power plants and facilities as they see fit, which Maryland did in this case.

Hughes v. Talen Energy Marketing LLC was heard before eight justices, and was among the first cases argued at the Supreme Court since the death of Justice Antonin Scalia. A decision in the case is expected as early as April, analysts say.

Inhofe Urges Congress to Block EPA on Fuel Standard

Posted February 24, 2016, 12:38 P.M. ET

By [Renee Schoof](#)

Congress should reconsider the renewable fuel standard by 2022 to prevent the Environmental Protection Agency from having full control over it, Sen. James Inhofe (R-Okla.) said today.

Targeted amounts of total renewable fuels that must be blended into the fuel supply, including advanced and conventional, are set by law through 2022. After that, under current law, the EPA would decide how to administer the program.

The EPA has mismanaged the renewable fuel standard and should not be allowed to run the program on its own, Inhofe, chairman of the Senate Environment and Public Works Committee, said during an oversight hearing.

Inhofe said he wants the renewable fuel standard repealed, but did not propose any legislation to eliminate or change it during the hearing. Republicans and Democrats from farm states defend the renewable fuel standard.

Lawmakers Soften Criticism of Water Project Work

Posted February 24, 2016, 3:05 P.M. ET

By [Alan Kovski](#)

The U.S. Army Corps of Engineers is getting better at reviewing potential water infrastructure projects and reporting them to Congress but still needs improvement, lawmakers told corps leaders today.

The corps also needs to do a better job of explaining to local officials the complexities of how to propose a project that can make it through daunting bureaucratic complexities, members of the House Transportation and Infrastructure Committee said.

Neither point was disputed by the two witnesses, Jo-Ellen Darcy, assistant secretary of the Army for civil works, and Lt. Gen. Thomas Bostick, chief of engineers.

The 2016 annual project report, delivered by the corps to Congress in the first week of February, listed enough new or revised projects ready for congressional approval that both Republicans and Democrats appear mollified, in contrast to the bipartisan anger they expressed after the first such report was delivered in 2015 under authority of a 2014 law.

A Water Resources Development Act of 2016, if written and passed as promised by lawmakers, is expected to approve many of the projects in the latest annual report, although funding will not necessarily follow in all cases.

Study: Microplastics in Water Despite Wastewater Treatment

Posted February 24, 2016, 12:12 P.M. ET

By [Amena H. Saiyid](#)

Thousands and perhaps millions of tiny shards of plastic that are less than 5 millimeters wide are entering urban rivers in Illinois every day by eluding capture at wastewater treatment plants, according to a new Loyola University study.

Released today by the American Geophysical Union, the [findings](#) by assistant professor Timothy Hoellein and his team show that wastewater treatment plants were a source of microplastics in 80 percent of the 10 urban rivers examined in Illinois, “regardless of the size of the river or the size and type of wastewater treatment plant.”

Hoellein estimates that between 15,000 and 4.5 million pieces of microplastics enter those rivers every day.

He told the AGU that the findings are significant because rivers are a source of drinking water for many communities and also a habitat for wildlife. Fish and other aquatic creatures eat the tiny pieces of plastic in rivers, which then make their way up the food chain—possibly ending up in people's dinner, according to Hoellein.

Some of those microplastics—microbeads in personal care products—are to be phased out starting July 1, 2017, under a new federal law.

U.S. Prevails in WTO Dispute Against India's Solar Program

Posted February 24, 2016, 12:35 P.M. ET

By [Bryce Baschuk](#)

A World Trade Organization dispute panel today agreed with U.S. trade officials that India's national solar program violated international trade rules and unfairly discriminated against imported solar cells and modules.

Specifically, the WTO ruled that the domestic content requirements of India's Jawaharlal Nehru National Solar Mission program are discriminatory because they require solar power developers to use Indian-manufactured cells and modules, according to its [decision](#).

The WTO urged India to bring its measures into compliance with the national treatment obligations in Article 2.1 of the WTO Agreement on Trade-Related Investment Measures and Article III:4 of the General Agreement on Tariffs and Trade 1994.

“The United States strongly supports the rapid deployment of solar energy around the world—including in India,” said U.S. Trade Representative Michael Froman in a news release. “But discriminatory policies in the clean energy space in fact undermine our efforts to promote clean energy by requiring the use of more expensive and less efficient equipment, raising the cost of generating clean energy and making it more difficult for clean energy sources to be

competitive.”

Investors Seek Vote on Climate Proposal at Exxon Mobil

Posted February 24, 2016, 11:23 A.M. ET

By [Andrea Vittorio](#)

Investors representing more than \$1 billion in Exxon Mobil shares are [urging](#) the Securities and Exchange Commission to let a shareholder resolution on climate change onto the company's proxy.

The shareholder proposal, filed by New York state's comptroller and four other investors, reflects their ongoing concern over how a changing climate could impact Exxon Mobil's business, especially if policy makers live up to the goals of a recent international deal to fight it.

“As investors, we need to know how ExxonMobil's bottom line will be impacted by the global effort to reduce emissions and what the company plans to do about it,” New York State Comptroller Thomas DiNapoli said in a statement today.

Exxon Mobil, which is simultaneously facing an inquiry from the state's attorney general into whether it misled the public and investors on climate change, has asked the SEC to block the proposal from making it to a vote at its annual meeting in the spring. The SEC declined to comment.

Conservative Groups Urge Congress to Oppose Carbon Tax

Posted February 24, 2016, 11:14 A.M. ET

By [Anthony Adragna](#)

Twenty conservative organizations, including FreedomWorks, the American Energy Alliance and Competitive Enterprise Institute, released a [letter](#) today urging Congress against pursuing any sort of carbon tax.

“Our nation's citizens expect – and deserve – their duly elected lawmakers to institute policies that move our economy forward and allow all Americans an equal opportunity to succeed,” the groups wrote to House Majority Whip Steve Scalise (R-La.). “A carbon tax would fail resoundingly on both of these fronts.”

Scalise introduced a resolution (H. Con. Res. 89) last year expressing the sense of Congress that a carbon tax would harm the U.S. economy. There has been little momentum for any sort of carbon tax among lawmakers, though Democratic Sens. Sheldon Whitehouse (R.I.) and Brian Schatz (Hawaii) have introduced legislation (S. 1548) in hopes of building support for one.

SAFE PIPES Act Would Cost \$50 Million from 2017-2021: CBO

Posted February 23, 2016, 5:36 P.M. ET

By [Rachel Leven](#)

The Senate pipeline safety reauthorization bill would cost \$50 million over the course of five years, the Congressional Budget Office said in its [cost estimate](#) released today.

The SAFE PIPES Act (S. 2276) would require \$525 million in appropriations from 2017 to 2021 for the Pipeline and Hazardous Materials Safety Administration's pipeline safety functions, it said. The bill would generate \$462 million in fees from pipeline owners and \$17 million in revenue from new underground natural gas storage facility assessments.

The Senate Commerce, Science and Transportation Committee passed the SAFE PIPES Act on Dec. 9. The bill would lower maximum funding levels for pipeline safety programs and aim to allow PHMSA time to address leftover mandates from its 2012 pipeline safety authorization law (Pub. L. No. 112–90), which lapsed Sept. 30.

European Commission to Propose Glyphosate Reapproval

Posted February 24, 2016, 2:10 P.M. ET

By Stephen Gardner

The European Commission will propose to renew until 2031 the authorization in the European Union of the widely used pesticide glyphosate, according to a [draft regulation](#) obtained by Bloomberg BNA.

The proposed renewal is controversial because glyphosate has been labeled “probably carcinogenic” by the World Health Organization, though the European Food Safety Authority (EFSA) in November judged that the substance was “unlikely to pose a carcinogenic hazard to humans.”

According to the draft regulation to reauthorize glyphosate, the current authorization for the substance will expire June 30, and EFSA's assessment that it should not be classified as carcinogenic provides the basis for its reapproval as safe to use in the EU.

A committee of EU member state representatives will discuss and possibly vote on the commission's draft regulation on glyphosate at a March 7-8 meeting.

Daily Environment Report

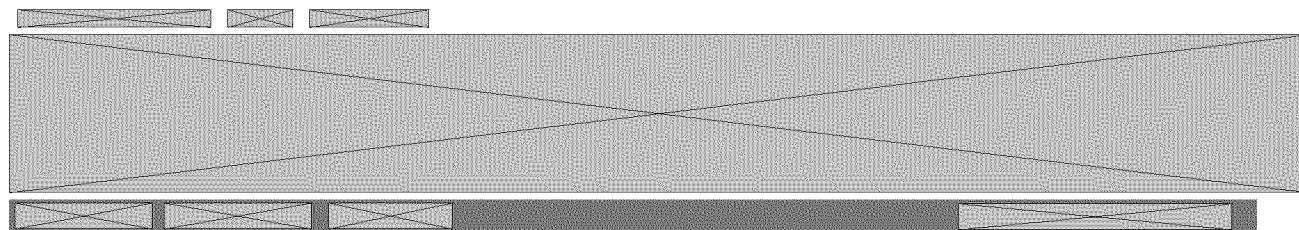
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Afternoon Briefing - Your Preview of Today's News

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EPA to Propose 12 Areas as Not Meeting SO2 Standard

Posted February 17, 2016, 12:43 P.M. ET

By [Andrew Childers](#)

The Environmental Protection Agency today announced it will propose to designate 12 areas in eight states as not achieving federal air quality standards for sulfur dioxide issued in 2010.

The EPA's proposal would designate to the list of areas not meeting the national ambient air quality standards for sulfur dioxide: Alton township and Williamson County, Ill.; Jefferson and Posey counties, Ind.; parts of Desoto Parish, La.; Anne Arundel and Baltimore counties, Md.; St. Clair County, Mich.; Franklin County, Mo.; Muskogee County, Okla.; and Freestone-Anderson, Rusk-Greg-Panola and Titus counties, Texas.

The EPA said it intends to complete the proposed designations by July 2.

The EPA in 2013 designated 29 areas in 16 states as being in nonattainment with the 2010 primary, one-hour national ambient air quality standard for sulfur dioxide of 75 parts per billion. The agency delayed action on the rest of the country due to inadequate air monitoring. The agency, under a court-approved consent decree with the Sierra Club and the Natural Resources Defense Council, agreed to take a phased approach to making attainment designations for the rest of the country.

EPA Didn't Enforce Drinking Water Violations in Flint: CRS

Posted February 17, 2016, 11:19 A.M. ET

By [Amena H. Saiyid](#)

The Environmental Protection Agency did not use its authority under the Safe Drinking Water Act to enforce violations against the public water utility in Flint, Mich., despite being aware of the elevated lead levels in the city's tap water, according to a Congressional Research Service [report](#).

Released yesterday, the report said Section 1414 of the Safe Drinking Water Act authorizes the EPA to notify state and the public water systems when it learns of a drinking water violation, and to allow the systems to come into

compliance.

But if after 30 days the violation continues and the jurisdictions haven't taken action then the EPA "must" take enforcement action against the public utility, the report notes. "EPA has not used this authority in Flint," wrote Mary Tiemann, author of the CRS report.

Air Standards Set for Leak in Gas Field Near Los Angeles

Posted February 17, 2016, 3:41 P.M. ET

By [Carolyn Whetzel](#)

California state and local agencies late yesterday released criteria for determining when emissions from Southern California Gas Co.'s underground natural gas storage field near Los Angeles no longer affect air quality in nearby neighborhoods.

The criteria, which sets thresholds for methane and other contaminants, are based on typical levels that predate the Oct. 23 discovery of the gas leak at the facility now in the final stages of being permanently capped.

At a Feb. 16 news conference at the SoCalGas Co. office in Chatsworth, U.S. Energy Secretary Ernest Moniz said lessons learned from the leak will inform a multi-agency effort by the federal government to address the nation's aging energy infrastructure.

Issues that have come to light in Aliso Canyon are obviously of huge local concern, but underscore the problems with the nation's aging energy storage infrastructure, Moniz said following a tour of the facility and meeting with local, state and federal officials. This incident identifies a problem we have to study more generally across the country, he said. "Frankly, gas storage fields need a fresh look in terms of the regulatory requirements," Moniz said.

New York Classifies PFOA as Hazardous

Posted February 17, 2016, 11:22 A.M. ET

By [Gerald B. Silverman](#)

The chemical perfluorooctanoic acid (PFOA) was classified by New York as a hazardous substance today in an emergency regulation published in the New York State Register.

The regulation is a response to water contamination in the upstate town of Hoosick Falls, N.Y. The state can now expend funds from its Superfund program to remediate the water problems.

The New York State Department of Environmental Conservation said the classification will also allow the state to respond if elevated levels of the chemical are found elsewhere in the state.

PFOA is a chemical used in the manufacture of nonstick cookware and other consumer products that resist heat and repel oil, grease and water.

Health Canada Proposes Lower Ambient SO2 Standard

Posted February 17, 2016, 3:53 P.M. ET

By [Peter Menyas](#)

Canada's health agency has proposed lowering the country's national ambient air quality objectives for sulfur dioxide, last updated more than two decades ago and more than four times higher than allowable levels across the border in the U.S.

While exposure to sulfur dioxide emissions has decreased significantly since the national objectives were adopted in 1989, research on the health impacts of short-term exposure to sulfur dioxide at current exposure levels shows a risk that should be addressed, Health Canada [said](#).

"The human health assessment has identified potential health risks to the Canadian population from exposure to

ambient concentrations of SO₂ that is below the current National Ambient Air Quality Objectives,” it said. “It is therefore recommended that the current [standards] be revised or new ambient air quality objectives or standards be introduced.”

Ford Drops Membership in ALEC Lobbying Group

Posted February 17, 2016, 11:51 A.M. ET

By [Ari Natter](#)

Ford Motor Co. has dropped its membership in the conservative lobbying group the American Legislative Exchange Council (ALEC), the company confirmed in an e-mail today to Bloomberg BNA.

“As part of our annual budget review in 2015, we adjusted our participation in several groups. We will not be participating in ALEC in 2016,” spokeswoman Christin Baker said in an e-mail.

In leaving ALEC, Ford joins companies such as Google, Microsoft and others that have raised concerns about the group's position denying climate change and other stances deemed to be anti-environmental, according to the watchdog group the Center for Media and Democracy.

Duke Energy Loses \$126M Tax Refund Bid in South Carolina

Posted February 17, 2016, 3:52 P.M. ET

By [Erin McManus](#)

Duke Energy Corp. can't use principal recovered from the sale of short-term securities to reduce the percentage of its income attributable to South Carolina.

The South Carolina Supreme Court ruled today that inclusion of principal in the calculation of the company's total sales—when determining how much of its income is subject to South Carolina tax—would result in distortion leading “to absurd results that could not have been intended by the General Assembly.”

Duke sought a \$126 million refund by claiming that the total proceeds from the sale by its treasury department of short-term securities, which had no connection to South Carolina, should be included in the denominator of the fraction of its income taxable by South Carolina, thereby reducing that tax.

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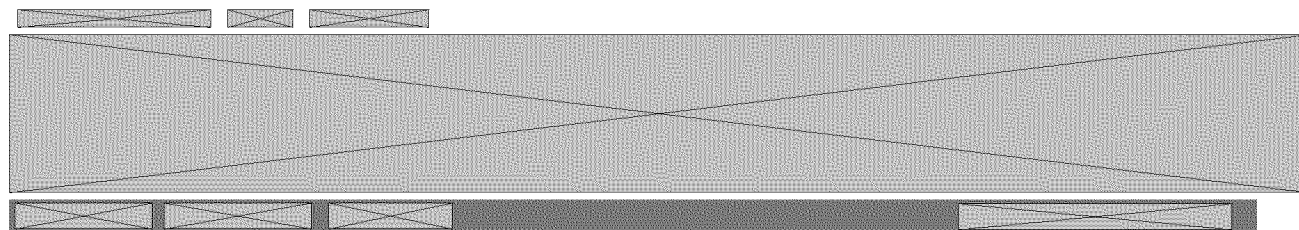
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Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Bill to Allow \$400 Million for Flint Infrastructure

Posted January 28, 2016, 1:28 P.M. ET

By [Pat Ware](#)

Three Democratic members of the Michigan congressional delegation announced legislation today that would provide \$400 million in federal emergency funding to the Environmental Protection Agency for upgrading drinking water infrastructure in Flint, Mich.

Michigan would be required to match dollar-for-dollar grants awarded by the EPA, up to \$400 million in state funding under the measure announced by Sens. Debbie Stabenow and Gary Peters and Rep. Dan Kildee.

The bill also would establish and fund a \$200 million Center of Excellence on Lead Exposure to focus on the immediate and long-term needs of children and adults exposed to lead.

In addition, it would give Michigan new flexibility to use funding to help forgive water infrastructure loans.

The legislation will be introduced as an amendment to the Energy Policy and Modernization Act before the Senate.

The bill incorporates legislation announced yesterday that would require the EPA to directly notify the public if there is a danger of lead in their water system if the state refuses to do so.

House Oversight Committee Convenes Flint Hearing

Posted January 28, 2016, 12:53 P.M. ET

By [Pat Ware](#)

The House Committee on Oversight and Government Reform has scheduled a Feb. 3 hearing on the Flint, Mich., drinking water crisis, a press aide told Bloomberg BNA today.

Details on the hearing are still under discussion, he said.

Rep. Brenda Lawrence (D-Mich.), ranking member of the committee's Subcommittee on Interior, said she learned today the hearing will not include Michigan's Gov. Rick Snyder (R), despite her formal request to include him along with other officials from all levels of government who were involved in the situation and the subsequent response.

"Gov. Rick Snyder was at the top of my list of witnesses due to the central role that he has played in this manmade crisis; from the decision to shift from Flint's original water source for cost-savings to the appalling delay in response to months of complaints by lead-poisoned residents and their children," she said in a statement.

"I am deeply disappointed at the Majority's lack of commitment to a thorough and meaningful hearing. A sincere search for truth and justice requires a full review by the entire Committee of the decisions and policies of all those involved. The nearly 100,000 people of Flint who have been permanently impacted by this crisis, either directly or indirectly, demands that Congress set aside party politics if we are to ensure that this never again occurs in Flint or any city in America," she said.

Supreme Court Sets Feb. 4 Deadline for Clean Power Plan Response

Posted January 28, 2016, 11:21 A.M. ET

By [Anthony Adragna](#)

Chief Justice John Roberts has asked the Environmental Protection Agency to respond by Feb. 4 at 3 p.m. to a request from more than two dozen states to immediately stay the agency's Clean Power Plan, according to an [order](#) posted yesterday.

Separately yesterday, Murray Energy Corp., Peabody Energy Corp., the National Mining Association and the American Coalition for Clean Coal Electricity [asked](#) the court to step in and stay the regulation, arguing "the coal industry is suffering irreparable harm now."

More than two dozen states, a coalition of more than 60 utility and union groups and several business groups, including the U.S. Chamber of Commerce and American Fuel & Petrochemical Manufacturers, have asked the Supreme Court to immediately stay the regulation to curb carbon dioxide from the nation's existing power plants.

Proposed Rule Would Alter How Oil, Gas Sectors Report Emissions

Posted January 28, 2016, 2:49 P.M. ET

By [Anthony Adragna](#)

Large emitters in the oil and natural gas sectors would be allowed to use new monitoring methods to detect leaks from their equipment under a proposed Environmental Protection Agency [rule](#) scheduled to be published in tomorrow's Federal Register.

Those changes would amend the agency's greenhouse gas reporting program, which first came into existence in 2009.

According to the EPA, the proposed rule would make the methods for detecting leaks from oil and gas infrastructure consistent with the requirements of a separate proposed EPA rule aimed at curbing methane emissions from industry sources.

Michigan Senate Approves \$28 Million to Help Flint

Posted January 28, 2016, 1:21 P.M. ET

By [Bebe Raupe](#)

The Michigan Senate unanimously approved today a \$28 million supplemental appropriation measure (H.B. 5220) to help Flint weather its water emergency.

Passed just over a week after it was proposed by Gov. Rick Snyder (R), the bill allocates money for water filters, bottled water and medical services for those most at risk for negative health outcomes from lead exposure.

Senate Minority Leader Jim Ananich (D), who represents Flint, said after the vote “the reality is that the whole city was exposed to the dangers of lead, and it is our responsibility to help them.”

The measure immediately moved back to the Michigan House for concurrence with Senate amendments and is expected to be on Snyder's desk by tomorrow.

Senate Adopts Energy Amendments on Nuclear, Research

Posted January 28, 2016, 4:00 P.M. ET

By [Ari Natter](#)

Measures that would promote advanced nuclear energy projects and increase funding for energy research were among the first amendments adopted to a broad energy bill (S. 2012) on the Senate floor today.

The nuclear amendment, by Sen. Mike Crapo (R-Idaho), would require the Energy Department to prioritize the development of advanced nuclear reactors. It was adopted by a vote of 87-4.

Also adopted was an amendment by Sen. Brian Schatz (D-Hawaii), increasing underlying bill funding for the Advanced Research Projects Agency - Energy by \$147 million over five years. It was adopted by a vote of 55-37.

Other amendments approved today included a measure by Sen. Ed Markey (D-Mass.) that would require the Government Accountability Office to review and report on the impacts of crude oil exports on U.S. consumers, independent refineries, shipbuilders and energy production. That measure was adopted by a vote of 62-29.

In addition, an amendment by Sen. John Barrasso (R-Wyo.) that would create a prize system to encourage innovative technologies to remove carbon dioxide directly from the atmosphere and permanently sequester was agreed to by voice vote.

Hoeven, Manchin File Coal Ash Amendment to Energy Bill

Posted January 28, 2016, 11:56 A.M. ET

By [Anthony Adragna](#)

Sens. John Hoeven (R-N.D.) and Joe Manchin (D-W.Va.) have filed an [amendment](#) to a broad energy package (S. 2012) that would alter the regulatory framework for coal ash.

The amendment, which appears to be the text of S. 2446, would bar the Environmental Protection Agency from ever regulating coal ash as a hazardous waste but would allow the agency to review and approve state management plans for the residue from coal-fired power generation.

Votes are expected on several amendments today, but it is not yet known whether the Hoeven-Manchin effort will get a vote.

Environmental Groups Argue Ozone Rule Not Protective

Posted January 28, 2016, 12:15 P.M. ET

By [Andrew Childers](#)

The Environmental Protection Agency erred when it rejected the advice of its own science advisers and set a revised ozone standard that is insufficient to protect health or the environment, environment and public health groups told a federal appellate court.

The EPA failed to explain how setting its revised national ambient air quality standards for ozone at 70 parts per billion is sufficient to protect public health despite scientific evidence of adverse health risks from exposures to lower concentrations of the pollutant, the Sierra Club, Physicians for Social Responsibility, National Parks Conservation Association, Appalachian Mountain Club, and West Harlem Environmental Action Inc. said in a [statement of issues](#) filed yesterday in the U.S. Court of Appeals for the District of Columbia Circuit.

The Clean Air Scientific Advisory Committee had recommended the standards be set somewhere between 60 ppb and 70 ppb.

21 Senate Democrats Ask EPA to Strengthen Methane Rules

Posted January 28, 2016, 4:19 P.M. ET

By [Anthony Adragna](#)

Twenty-one Senate Democrats, led by Brian Schatz (Hawaii) and Sheldon Whitehouse (R.I.), today asked Environmental Protection Agency Administrator Gina McCarthy to regulate existing sources of methane emissions in the oil and gas sectors.

"In order to achieve our international commitment to reducing greenhouse gas emissions by 26-28 percent below 2005 levels by 2025, we simply must address existing sources of methane emissions," the senators wrote in a [letter](#).

The Obama administration should be "as comprehensive as possible in its regulation of methane and other greenhouse gases" in order to show international leadership on addressing climate change, the letter said.

Amendment Eyes Fossil Fuel Disclosure on Climate

Posted January 28, 2016, 3:29 P.M. ET

By [Andrea Vittorio](#)

The push for better fossil fuel-company disclosure on climate change could get a boost from Congress.

An [amendment](#) was offered to a broad energy package (S. 2012) being considered by the Senate that directs the Securities and Exchange Commission to update its reporting guides for the coal, oil and gas industries to reflect the "growing risk" climate change poses to their business models.

"We need to focus on the financial impacts of climate change caused by energy consumption," Sen. Jack Reed (D-R.I.), a senior member of the Senate banking committee, who filed the amendment, said today in a statement provided to Bloomberg BNA.

The issue grabbed the attention of lawmakers—and even a few presidential candidates—as oil giant Exxon Mobil Corp. and coal miner Peabody Energy Corp. faced criticism late last year for what they told shareholders about financial risks from climate change.

California Extends Payments for Rooftop Solar Customers

Posted January 28, 2016, 4:11 P.M. ET

By [Carolyn Whetzel](#)

Rooftop solar customers of California's three investor-owned utilities will continue to get paid for the excess energy their systems generate, under a net metering structure the California Public Utilities Commission approved today.

In a 3-2 vote, the California Public Utilities Commission updated the existing net energy metering structure. The decision preserved a provision requiring Pacific Gas & Electric Co., Southern California Edison and San Diego Gas & Electric Co. to pay rooftop solar customers the full retail rate for electricity they add to the grid. Now, however, net metering customers must pay a one-time interconnection fee of up to \$150 and help fund low-income and efficiency programs.

A last-minute revision to the initial proposed decision issued in December, which eliminated transmission charges for net metering customers, prompted "no" votes from two commissioners.

All three of the utilities opposed the new net energy metering program.

California Adopts New Lighting Standards

Posted January 28, 2016, 3:52 P.M. ET

By [Carolyn Whetzel](#)

California has set the nation's first energy efficiency [standards](#) for small lamps used in track lighting and general purpose light-emitting diodes, or LEDs.

Approved by the California Energy Commission yesterday, the standards require that beginning in two years, directional lamps 2.25 inches or less in diameter have an efficacy of 80 lumens per watt or greater and last for at least 25,000 hours. The small lamps are used in track lighting in retail stores, hospitals, museums and other commercial settings.

The new standards for LEDs are based on the Environmental Protection Agency's Energy Star requirements. Phased in between Jan. 1, 2018 and July 1, 2019, LEDs must have a minimum lifetime requirement of 10,000 hours and limit the amount of power a connected LED can use in a standby mode.

Cuomo Orders Emergency Superfund Steps

Posted January 28, 2016, 10:36 A.M. ET

By [Gerald B. Silverman](#)

Gov. Andrew M. Cuomo (D) took the unusual step late yesterday of ordering emergency regulations to classify the chemical perfluorooctanoic acid (PFOA) as a hazardous substance and to have a plastics plant operated by Saint-Gobain Corp. immediately added to the state Superfund list.

The steps were taken in response to PFOA found in the drinking water supply for Hoosick Falls, N.Y., which is located about 35 miles northeast of Albany, N.Y.

Cuomo said the regulations and Superfund classification will provide the state with the resources to investigate and clean up the site and recover costs from the responsible party or parties.

A spokeswoman for Saint-Gobain, a Paris-based company with operations in Hoosick Falls, said the company is cooperating with authorities to address the issue.

EU Food Authority Readies Pesticide Exposure Studies

Posted January 28, 2016, 2:39 P.M. ET

By [Stephen Gardner](#)

The European Food Safety Authority said it will use a new risk assessment tool to prepare "breakthrough" exposure studies on the risks to the human thyroid and nervous systems of the combined effects of pesticide residues in food.

The assessments, which should be ready by the end of 2016, will be based on a new software tool that allows "high-level cumulative risk assessments" to be carried out, thus moving beyond exposure assessments for individual substances, EFSA said in a [statement](#) yesterday.

In terms of assessing the cumulative risks of pesticides, "nothing of similar amplitude has been conducted so far in the EU," EFSA spokesman Flavio Fergnani told Bloomberg BNA today.

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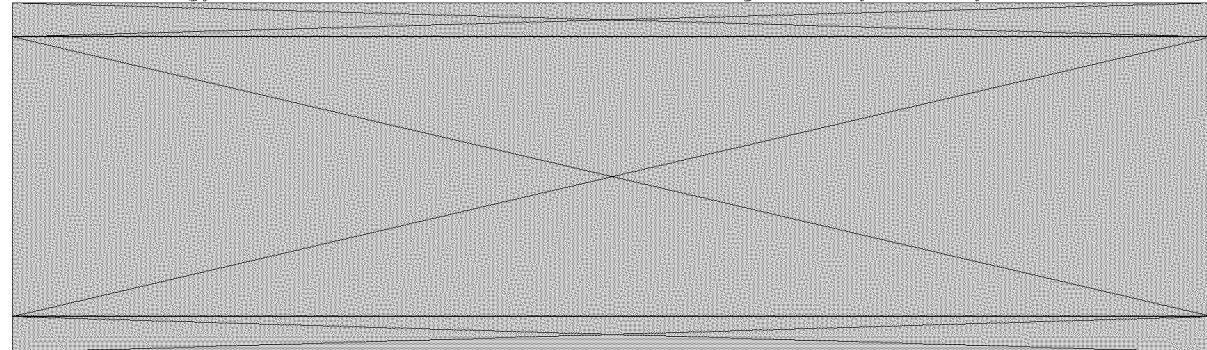
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Energy and environment headlines for the morning of Friday, January 29, 2016



Wyoming adopts wildlife migration conservation guidelines

By Mead Gruver

CHEYENNE, Wyo. (AP) — New state guidelines adopted in Wyoming, an energy-rich state that constantly seeks to balance conservation with development of fossil fuels, seek to protect some of North America's longest wildlife-migration routes from oil and natural gas drilling on public lands.

The guidelines approved Thursday by the state Game and Fish Commission call on state

wildlife officials to continue to identify routes traveled twice a year by thousands of elk, antelope and mule deer. Tracking technology has enabled scientists in Wyoming and elsewhere to map such routes with increasing precision — and even discover new ones.

Biologists also will study how to counter threats to migrations, such as by replacing barbed-wire fences with a type that allows antelope to crawl under the bottom wire.

Options could also include prohibiting oil and gas development in especially sensitive areas along migration corridors, a point of contention between environmentalists and the petroleum industry.

"The science is clear that the best way to ensure long-term persistence of migration corridors is to prohibit development," said Julia Stuble with the Wyoming Outdoor Council.

But the guidelines in no way would require Wyoming to prohibit oil and gas exploration, pointed out Esther Wagner, vice president of the Petroleum Association of Wyoming.

"They're just recommendations," Wagner said. "They're not regulations."

The guidelines will come into play when petroleum developers seek to drill on federal land in Wyoming. State biologists will refer to their findings and the guidelines when they advise federal agencies on wildlife populations on federal land, which they do regularly.

Wyoming officials often find themselves caught between encouraging fossil fuel development and protecting wildlife habitat. In this case, migrating ungulates — a class of hooved animals that includes moose and bison as well as elk, mule deer and antelope — are popular to hunt.

Similar challenges confront wildlife managers in energy-rich Montana and Colorado.

"We're not going to shut the lights out. We're not going back into the stone age. And we're not going to let wildlife decline," Game and Fish Commissioner David Rael said.

In western Wyoming, vast natural gas reserves underlie habitat for elk, antelope and mule deer that travel into the Yellowstone Ecosystem each summer.

Scientists in the region recently documented the longest known mule deer migration. A group of mule deer travels between the Gros Ventre Range in summer to the Red Desert in winter, a distance of 150 miles each way.

A group of antelope travels between Grand Teton National Park in summer and the Upper Green River Basin in winter, covering more than 100 miles each way.

Of particular concern are areas called bottlenecks, where surrounding mountains, lakes or human development have pinched migration corridors to a mile wide or less. Biologists also suggest paying close attention to areas along migration corridors where wildlife stop to rest.

and eat.

Mule deer especially have suffered from the loss of habitat in Wyoming. Their numbers are down 40 percent over the past 20 years, according to the state Game and Fish Department.

Wyoming, population 584,000, remains the nation's least-populated state. But road construction and home development also get in the way of migrating wildlife. The state in recent years has countered that by building overpasses and underpasses where migration routes cross highways.

Herd of migrating antelope that used to congregate along roads in a frenzy can now continue on their way without too much fuss, commission President Charles Price said.

"It's not a panicked crossing," Price said. "It's a rapid crossing. They don't like to stand up there."

Quick Links

West report OK'd, stricter ammonium nitrate standards urged

US economy likely slowed sharply in October-December quarter

For GOP, debate was glimpse of what could have been

Iowa's Branstad says security top concern for GOP voters

Big surf, rain and snow heading toward California

EPA: New York village should test water for Teflon chemical

FBI shows video of Tuesday shooting of occupier

Upcoming Events

West report OK'd, stricter ammonium nitrate standards urged

By The Associated Press

WACO, Texas (AP) — Federal regulators approved a report Thursday that found inadequate

emergency response coordination and training and careless storage of potentially explosive materials contributed to a catastrophic 2013 blast at a Texas fertilizer plant.

The U.S. Chemical Safety Board's unanimous vote also adopted recommendations that federal regulators set higher standards for safe handling and storage of fertilizer-grade ammonium nitrate. It came at the end of a three-hour public meeting in Waco, at which investigators presented the findings of their examination of the West Fertilizer Co. plant explosion. The blast in the Central Texas town of West killed 15 people, including volunteer firefighters trying to extinguish the blaze that led to the explosion. It injured about 200 others and leveled part of the town.

According to the report, dozens of similar plants are still operating in Texas near schools, hospitals and residential neighborhoods.

"The risk to the public from a catastrophic incident exists throughout the state of Texas," the report said.

Texas has 80 plants that store more than 5 tons of ammonium nitrate, a chemical used in fertilizer. Nineteen plants storing fertilizer-grade ammonium nitrate operate within a half-mile of a school, hospital or nursing home, according to the report. More than 30 of them are within a quarter-mile of a home or apartment building.

The West plant "was about 550 feet from the closest school, which sustained catastrophic damage as a result of the explosion, which could have resulted in additional loss of life had the school been in session at the time," the report noted. That explosion caused about \$100 million in property damage, according to the Texas Department of Insurance, and insurance-related losses were approximately \$230 million.

[More](#)

US economy likely slowed sharply in October-December quarter

By Martin Crutsinger

WASHINGTON (AP) — The U.S. economy likely slowed significantly in the final three months of 2015 — and the picture seems to have grown gloomier in the first few weeks of 2016.

Sinking oil and stock prices and weakness in China and other emerging markets have raised worries about their impact on the U.S. economy. The Federal Reserve noted that concern this week with a cautious assessment of the economy.

On Friday, the government is expected to estimate that the U.S. economy grew at a

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minuscule 0.9 percent annual rate in the October-December quarter, according to economists surveyed by data firm FactSet. It would be less than half the growth rate of the previous quarter.

A key reason was likely a broad effort by businesses last quarter to reduce their overhang of unsold goods. Another factor is expected to be a widening trade deficit: Further strength in the dollar has made American-made goods more expensive and thus less competitive overseas. In addition, economic troubles in regions from Europe to China have depressed U.S. exports.

It will be the government's first of three estimates of economic growth for the fourth quarter.

Despite the fears that have gripped investors early in the year, economists predict that growth will strengthen in the January-March quarter to an annual rate of around 2 percent. The boost is likely to come mainly from consumer spending, which typically fuels about two-thirds of economic activity. Continued solid job growth is expected to embolden consumers to spend more.

[More](#)

For GOP, debate was glimpse of what could have been

By Julie Pace and Jill Colvin

DES MOINES, Iowa (AP) — For the Republican candidates for president, it was a glimpse of what could have been.

Front-runner Donald Trump's boycott of the final debate before the Iowa caucuses created space for his rivals to delve more deeply into their differences on immigration, foreign policy and their approach to governing.

And for some candidates — former Florida Gov. Jeb Bush in particular — Trump's absence from the debate stage Thursday night appeared to ease some of the tension created by his sharply personal attacks.

A frequent target of Trump, Bush opened the debate by saying wryly, "I kind of miss Donald Trump; he was a teddy bear to me."

Iowa voters kick off the 2016 nominating process with Monday's caucuses, and they'll provide the first indication of whether Trump's abrupt decision to skip the debate will have any impact on his standing atop the GOP field. His lead in Iowa had already become more tenuous in recent days, as Texas Sen. Ted Cruz pulled in support from conservative and evangelical voters.

Trump's decision to pull out of the debate over a feud with host Fox News was a gamble, particularly so close to the state of voting. But having defied political convention throughout his campaign, it was a risk the real estate mogul was willing to take.

[More](#)

Iowa's Branstad says security top concern for GOP voters

By Thomas Beaumont

DES MOINES, Iowa (AP) — With just days to go until the Iowa caucuses, the state's longtime Republican governor said Thursday that the federal government has failed to assure the American people that they are safe.

Gov. Terry Branstad, who is likely serving out his last term in office, has declined to publicly endorse anyone in this year's crowded Republican field, but he applauded those who have made national security a central theme in their campaign platforms — anyone, that is, except Texas Sen. Ted Cruz.

"Security is a big concern — personal security for Americans because of the attacks that have occurred on our own soil, as well as Paris," the six-term governor said in an exclusive interview with Associated Press.

Former Florida Gov. Jeb Bush, New Jersey Gov. Chris Christie, Florida Sen. Marco Rubio and billionaire Donald Trump have all put significant emphasis on the need to root out the Islamic State group from their safe havens in Iraq and Syria. The group has claimed responsibility for a number of attacks on foreign soil, including the deadly attacks in Paris in November, and has inspired a number of lone-wolf attackers to kill in its name.

However, Branstad, who typically favors those with state or federal governing experience, admits that those running for office in 2016 haven't fared as well against those positioning themselves as anti-establishment, Washington outsiders.

"They've not done as well," he said of the more mainstream politicians. "I've been surprised."

[More](#)

Big surf, rain and snow heading toward California

By The Associated Press

LOS ANGELES (AP) — Big surf, rain and snow are heading toward California, including the first significant rains predicted for the southern half of the state since early this month,

forecasters said Thursday.

Breaking waves up to 25 feet were predicted through week's end and beyond for parts of the Mendocino coast, with not quite as big — but still double-digit heights — south through the San Francisco and Central Coast regions and surf up to 9 feet along parts of the Los Angeles-area shoreline.

Heavy surf could spell more trouble for Pacifica, 10 miles south of San Francisco, where crashing waves and heavy rains have eaten away coastal cliffs and put residences in danger.

U.S. Rep. Jackie Speier and other officials visited the city Wednesday and pledged to seek state and federal assistance. On Monday, officials tagged an apartment complex of about 20 units as unsafe, ordering people to pack their things and be out by sunset. Residents scrambled to find someplace to go.

Flash flood watches were to go into effect starting late Thursday for the state's northwestern coast and interior, and on Friday in vast forest fire burn scars in the Sierra Nevada Gold Country.

The National Weather Service also issued winter storm warnings for the Southern Sierra from late Friday to Monday morning. Snow accumulations could range from 5 inches to 15 inches, and up to 20 inches above 7,000 feet. The snow level will drop to 4,000 feet or lower by early Sunday.

[More](#)

EPA: New York village should test water for Teflon chemical

By The Associated Press

HOOSICK FALLS, N.Y. (AP) — The U.S. Environmental Protection Agency is telling people in an upstate New York village to have their well water tested for a chemical used in making Teflon.

The agency on Thursday advised residents of Hoosick to have their wells tested for PFOA, which has been linked to cancer and other illnesses. It has been detected in municipal wells in Hoosick Falls, a village within the Rensselaer (rehn-suh-LEE-er') County town.

The agency says water with a level of PFOA higher than 100 parts per trillion shouldn't be used for drinking or cooking. That's a quarter of the EPA's current advised limit of 400 ppt.

An EPA administrator says the lower number reflects a new limit being developed by the

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agency.

Officials are investigating the extent of PFOA pollution in Hoosick Falls.

FBI shows video of Tuesday shooting of occupier

By Nicholas Geranios and Terrence Petty

BURNS, Ore. (AP) — A video showing the shooting death of an occupier of an Oregon wildlife refuge appears to show the man reaching into his jacket before he fell into the snow. The FBI said the man had a loaded gun in his pocket.

Authorities played the video shot by the FBI at a Thursday evening news conference, in an apparent effort to counter claims that the man killed in the confrontation Tuesday on a remote Oregon high-country road — Robert "LaVoy" Finicum — did nothing to provoke officers.

The FBI's release of the footage came as four occupiers remaining at the Malheur National Wildlife Refuge refused to leave without assurances they wouldn't be arrested. The group's jailed leader, Ammon Bundy, urged them to surrender. The occupation began nearly a month ago.

During the confrontation in which Finicum was killed, the FBI and Oregon State Troopers arrested five main figures in the occupation, including Bundy. Bundy and several of the other occupiers have another federal court hearing scheduled for Friday afternoon.

The video, shot by the FBI from aircraft, shows Bundy's vehicle stopped by police on a road. He and an occupier riding with him — Brian Cavalier — were arrested. A white truck driven by Finicum was stopped but took off, with officers in pursuit. The video shows Finicum's vehicle plowing into a snowbank when encountering a roadblock.

A man identified as Finicum gets out of the truck. At first, he has his hands up, but then he appears to reach into his pocket and he falls into the snow.

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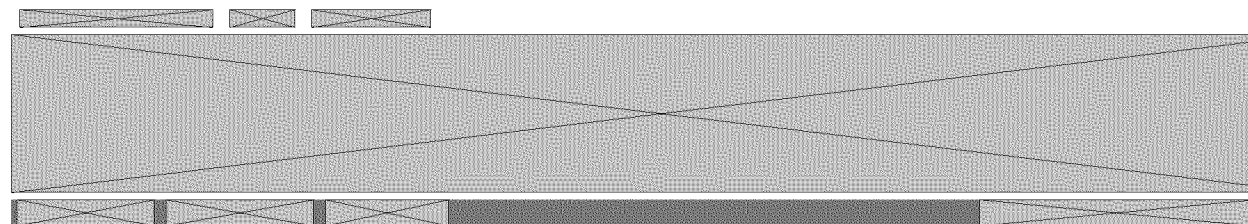
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NEWS

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[Eighth Circuit Affirms EPA Haze Plan for Minnesota](#)

The Eighth U.S. Circuit Court of Appeals again has upheld an Environmental Protection Agency-approved plan for reducing haze in the Boundary Waters Canoe Area Wilderness in northeastern Minnesota (Nat'l Conservation Ass'n v....

Air Pollution

[Volkswagen Sued for \\$3.7B in Germany Over Diesel Scandal](#)

Volkswagen AG is being sued for 3.3 billion euros (\$3.7 billion) over the cover-up of its polluting diesel engines, its biggest legal challenge in Germany after a wave of lawsuits in the U.S. centered on the scandal....

Air Pollution

[Volkswagen U.S. Unit Destroyed Evidence, Ex-Worker Suit Says](#)

Personnel at Volkswagen AG's U.S. unit in Michigan destroyed evidence after the U.S. announced last year that the company had installed illegal devices on hundreds of thousands of vehicles to cheat emissions tests, a former employee...

Air Pollution

[White House Threatens Veto of Coal Refuse Emissions Bill](#)

If Congress passes a bill (H.R. 3797) that would alter the way coal refuse power plants are regulated under a pair of Environmental Protection Agency air pollution rules, White House staff would recommend that President Barack Obama veto the...

Chemicals

[Geneticist to Testify at Birth Defect Trial Against AES](#)

A geneticist may testify in a trial set to begin April 4 that severe congenital abnormalities in children

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were caused by in utero exposure to coal ash waste illegally deposited by AES Corp. near a beach in the Dominican Republic (Pallano v. AES...

Chesapeake Bay

Maryland Phosphorus Rules Based on Soil Testing

Two-thirds of farm fields on Maryland's Lower Eastern Shore will be subject to new regulations intended to limit phosphorus runoff into the Chesapeake Bay, the state Department of Agriculture announced March 14. Of those two-thirds,...

Congress

Senate Action Seen on GMO, Energy Bills Before Break

Senate Republican leaders are working to pass a half-dozen or more items before lawmakers leave for a two-week break March 17, including a long-delayed comprehensive energy bill and a fix for Michigan's drinking water crisis....

Drinking Water

Capitol Hill, Officials Point Fingers Before Flint Hearings

In the days before the House Oversight and Government Reform Committee convenes what may be its highest profile hearings yet on the drinking water crisis in Flint, Mich., entities on all sides sought to put their ducks in a row in the public's...

Drinking Water

PFOA Undetectable in Hoosick Falls Water, Cuomo Says

Filtration of the water supply in Hoosick Falls, N.Y., has brought perfluorooctanoic acid (PFOA) contamination to undetectable levels, New York Gov. Andrew M. Cuomo (D) announced. The state Health Department will continue to test water...

Energy

Companies Demand Fix for Investment Tax Credit Extension

A year-end budget deal extending a prized renewable energy tax break had one major flaw, industry lobbyists say: It mistakenly cut out technologies such as geothermal, fuel cells and smaller wind projects. Now, dozens of energy companies...

Energy Efficiency

DOE Rule Would Increase Commercial Boiler Energy Efficiency

An Energy Department proposed rule would slightly increase the energy efficiency for commercial packaged boilers used to heat businesses, but energy efficiency advocates say the proposed standards aren't strong enough....

Energy

House Passes Two FERC Bills, One Energy Efficiency Bill

The House passed three energy bills by voice vote March 14, including the Fair RATES Act (H.R. 2984), which would amend the Federal Power Act so that proposed rate changes would go into effect after 60 days if the Federal Energy Regulatory Commission...

Enforcement

Canada Finalizes Fines for Offshore Environmental Damage

Canada finalized a series of regulations to allow for fines of up to C\$100,000 (\$74,000) a day for environmental damage caused by offshore oil and gas activity, to boost "no fault" liability limits for offshore operators to C\$1 billion...

Enforcement

Lawyers: Flint Criminal Probe Likely Excludes Water Charges

Everyone from members of the general public to presidential hopefuls have called for those

responsible for the Flint, Mich., drinking water crisis to be identified and held accountable, but few have offered specifics on how to harness the...

EPA

Inspector General Examines Information Security at EPA

The Environmental Protection Agency's Office of Inspector General announced March 14 it would examine how well the agency protects personally identifiable and national security information. ...

Hydraulic Fracturing

\$4.2 Million Fracking Verdict Likely to Spark More Suits

A recent jury verdict and \$4.2 million award in favor of two Pennsylvania families who alleged fracking operations contaminated their wellwater is likely to trigger the filing of more, similar suits, sources told Bloomberg BNA....

Hydraulic Fracturing

Ohio Water Methane Linked to Coal, Not to Fracking

An independent academic study of methane pollution in water wells in Ohio concluded that naturally occurring coalbed methane, not hydraulic fracturing, is the culprit....

Oil & Gas

Keep Atlantic Coast in Leasing Plan: Oil-Gas Groups

Lobbyists have been hearing that the next stage of a planned five-year offshore leasing program for oil and natural gas exploration may be issued this week, galvanizing industry associations to renew their calls for Atlantic exploration...

Oil & Gas

Offshore Drilling Battleground Virginia to Learn Fate

From the shores of Savannah, Ga., to the Beaufort, N.C. beachfront, coastal communities in conservative Southern states have locked arms in opposition to oil and gas drilling in the Atlantic waters lapping their shores....

Radioactive Waste

Grijalva Presses EPA to Tackle South Florida Waste Leakage

The top Democrat on the House Natural Resources Committee is pushing the Environmental Protection Agency to stop a South Florida power plant from leaking radioactive waste into surrounding waters following a scathing local government report...

Renewable Energy

Solar Debate Heads to Foggy Maine; Panels Are Scarce

Despite long winters, a famously foggy coastline and relatively few solar panels in operation, Maine is emerging as a pivotal U.S. state for determining how consumers will pay for power generated by the sun....

Renewable Energy

Toyota, Partners Begin Hydrogen Supply Chain Project

Toyota Motor Corp. and partners will begin a project to use hydrogen produced from renewable energy to power forklifts and test the feasibility of a low-carbon hydrogen supply chain....

Risk Assessment

EPA Publishes Risk Management Program Revision

The Environmental Protection Agency published a revision (RIN 2050-AG82) to its Risk Management Program in the Federal Register (81 Fed. Reg. 13,638) on March 14. The agency on Feb. 25 floated the proposal, which amends the RMP's accident...

Trade

Canada Shut Out of Solar Case

The governments of Canada and eight of its provinces cannot take part in litigation challenging U.S. countervailing duties on Chinese solar panels, the Court of International Trade ruled March 14 (Changzhou Trina Solar Energy Co. v. United...

Trade

DOE Proposed Import Reporting Requirement Criticized

A proposal to require importers of products or equipment subject to an energy conservation standard to provide the Energy Department with certain electronic data before items may be imported into the U.S. came under fire by the Retail Industry...

Water Pollution

Power Plants Petition for Water Rule Rehearing

The Utility Water Act Group asked the full U.S. Court of Appeals for the Sixth Circuit to rehear a petition on whether a federal appeals court is the appropriate venue to hear challenges to the Clean Water Rule (Ohio v. U.S. Army Corps of Eng'rs...

INTERVIEW

Coal Mining

Joe Pizarchik: From Coal-Country Kid to Top Coal Regulator

The Octagon Room served as the nerve center for British and U.S. military chiefs during World War II and was used to plan the defeat of Nazi Germany. The historic office now belongs to Joe Pizarchik, who says working there gives him some perspective...

REGULATORY AGENDA**Comment Deadlines****MARCH 14 FEDERAL REGISTER****MARCH 15 FEDERAL REGISTER**

Daily Environment Report

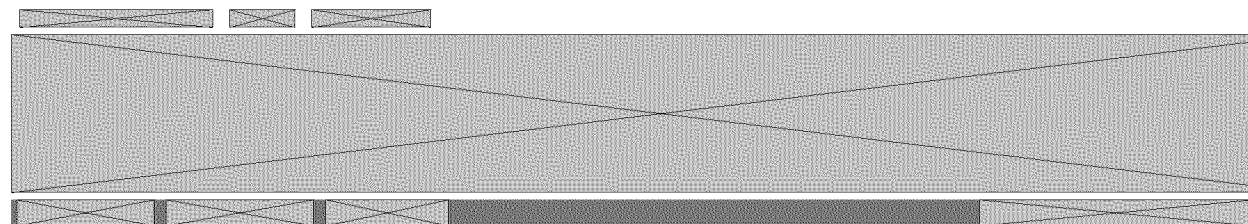
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NEWS

Air Pollution

[20 States Ask Supreme Court to Stay EPA Mercury Rule](#)

A coalition of 20 states led by Michigan asked the U.S. Supreme Court to stay implementation of a multibillion-dollar rule to limit mercury emissions from power plants, a development that attorneys said will test the high court's willingness...

Air Pollution

[Court Upholds Federal Plan for Haze in Arizona](#)

A federal appeals court upheld the Environmental Protection Agency's decision to impose a federal plan setting emissions limits on a coal-fired power plant in Arizona after partially rejecting the state's plan as inadequate (Arizona...

Air Pollution

[EPA Ends Recordkeeping Requirements for Pollutant](#)

Businesses will no longer be subject to recordkeeping and reporting requirements under the Clean Air Act related to the use of t-butyl acetate, which is used as a solvent in paints, inks and adhesives. The agency, in a final rule scheduled for...

Air Pollution

[EPA Keeps Testing Component in Sewage Sludge Plan](#)

A final federal plan to implement sewage sludge incinerator emissions guidelines in states that choose not to develop their own plans will not include a revised testing procedure sought by sewage system operators....

Air Pollution

[Haze Lawsuit to Continue After Cross-State Ruling](#)

Lawsuits challenging a 2012 Environmental Protection Agency rule that allowed states to use

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emissions trading under the Cross-State Air Pollution Rule to fulfill obligations under the regional haze program will finally be allowed to continue,...

Air Pollution

India's Air Pollution Levels Said to Surpass China's

The average Indian faced more particulate pollution than the average Chinese person in 2015, the first time on record, Greenpeace India said in a study. Air pollution levels in India, especially North India, have risen over the past decade...

Biotechnology

Senate Moving to Invalidate State GMO Laws

Congress may be headed for an election-year decision on whether to help big food companies that don't want to comply with a new Vermont state law designed to give consumers more information about what is on their plates....

Chemicals

California Study Finds PBDEs Levels Lower in Breast Milk

Levels of polybrominated diphenyl ethers (PBDEs) found in breast milk of California women have dropped dramatically since the state's 2008 ban on the manufacture and sale of products with the flame retardant, according to a study by...

Chemicals

Seven Chemicals May Cause Human Cancer, WHO Agency Says

The International Agency for Research on Cancer has classified seven widely used chemicals as either probably or possibly carcinogenic to people, the agency announced Feb. 24....

Climate Change

Bill Gates Q&A on Climate Change: 'We Need a Miracle'

All we need is an energy miracle. So came the call from Bill Gates on Feb. 22 with the release of his annual letter. ...

Climate Change

Free-Market Groups Urge Congress to Oppose Carbon Tax

Twenty free-market organizations released a letter Feb. 24 urging Congress against pursuing any sort of carbon tax because they said allowing one would harm the nation's economy....

Climate Change

Investors Seek Vote on Climate Proposal at Exxon Mobil

Investors representing more than \$1 billion in Exxon Mobil Corp. shares are asking the Securities and Exchange Commission to let a shareholder resolution on climate change onto the company's proxy....

Climate Change

McKenna: Canada Will Review 'Climate Test' Call

Canada will review a proposal by environmental groups for a "climate test" that would call on policy makers to consider international climate change goals before approving major new energy projects....

Climate Regulation

McCarthy: EPA Underestimated Methane From Oil and Gas

The Environmental Protection Agency has been "substantially" underestimating emissions of methane from the oil and natural gas sector, and that could drive new agency regulations going forward, Administrator Gina McCarthy said...

Corporate Responsibility

Vermont Pension Board Softens Stance Against Coal Divestment

Vermont Gov. Peter Shumlin's effort to divest the state of coal, gas and oil stocks inched forward Feb. 23 when a pension committee voted to vet the issue....

Drinking Water

Class Action Filed Over PFOA Contamination in N.Y.

Residents of Hoosick Falls, N.Y., filed a class action lawsuit Feb. 24 in federal court against Saint-Gobain Performance Plastics Corp. and Honeywell International Inc., seeking damages for contamination of their water supply with perfluorooctanoic...

Drinking Water

EPA Recommends Bottled Water in PFOA Contaminated Areas

The Environmental Protection Agency is urging people to use bottled water for cooking and drinking in areas such as Hoosick Falls in upstate New York where tap water has been found to contain concentrations well over the EPA's provisional...

Drinking Water

Flint Deal Paves Way for Senate Action on Energy Bill

A deal announced Feb. 24 that would steer federal funding to help Flint, Mich., fix its lead-tainted drinking water system paves the way for the U.S. Senate to resume debate on broad energy legislation....

Elections

Climate Activists Use Cameras to Put Pressure on Clinton

Griffin Sinclair-Wingate was pressed against the edge of the stage after a debate in New Hampshire when he got his crack at Hillary Clinton....

Emissions Trading

Guangdong to Include New Industries in Carbon Exchange

China's southern province of Guangdong is planning to expand the number of industries to be included in its carbon-trading exchange amid steps to integrate the regional trading program into a planned national emissions exchange....

Energy

Energy Department Promotes More Research

The Energy Department announced Feb. 24 the launch of its Energy Materials Network to enhance collaboration on research and development of advanced materials. The initiative will use funding channeled through the department's Office...

Energy

Justices Appear Convinced State Subsidy Enters FERC Turf

The majority of the U.S. Supreme Court justices appeared convinced during oral arguments that a Maryland subsidy program to encourage new electricity generation in the state crossed into the Federal Energy Regulatory Commission's...

Energy

Moniz: Aliso Canyon Takeaway Is Aging Infrastructure

The recent gas leak in Southern California highlights the importance of addressing the aging energy infrastructure, Energy Secretary Ernest Moniz said Feb. 24 in Houston....

Energy

Sixth Circuit Says Gas Storage Case Should Be Stayed

A suit brought by 40 landowners against a natural gas company should be stayed, not dismissed,

pending a class certification decision in an earlier filed case, the U.S. Court of Appeals for the Sixth Circuit ruled Feb. 24 (*Baatz v. Columbia Gas...*

Environmental Justice

'Conservative' for States to Develop Power Plans: White House

Preparing to comply with the Clean Power Plan would be the "conservative" option for states and communities seeking the environmental benefits despite the U.S. Supreme Court's decision to halt the rule's implementation,...

Hazardous Waste

HHS Agency Seeks Public Review on Bromopropane, Jet Fuel

The Agency for Toxic Substances and Disease Registry (ATSDR) floated two new toxicological profiles for public review in a Federal Register notice Feb. 24 as part of a long-standing effort to identify hazards at defense facilities....

Hydraulic Fracturing

Colorado Lawmakers Kill Bill to Stop Fracking Bans

A Colorado legislative committee Feb. 24 defeated a bill (H.B. 1181) that would have required local governments to compensate mineral royalty owners when a local ordinance banning hydraulic fracturing prevents them from recovering oil...

Insurance

Insurer Owes No Coverage to Condo for Mold Cleanup

An insurer owes no coverage for a condominium management company's mold abatement because it had no legal obligation to conduct the cleanup, the Eighth Circuit ruled Feb. 24 (*Busch Prop. Inc. v. Nat'l Union Fire Ins. Co. of Pittsburgh...*

International Climate

Decline of Power Plant Emissions Likely Without EPA Limits

Carbon pollution from the U.S. power sector will likely continue to fall sharply through 2025 with or without Obama administration carbon pollution limits recently put on hold by the U.S. Supreme Court, an analyst said Feb. 24....

International Climate

No Reason to Deepen EU Carbon Goal Now, Group Says

Europe should not toughen its pollution-reduction goals in immediate reaction to a global climate agreement reached in Paris in December, according to the region's biggest association of employers....

Mining

Murray Energy: Mining Rule Would Eliminate Coal Industry

A pending mining waste rule would drive between 40,000 and 77,000 coal miners out of work and slash as much as \$58.7 billion from the gross domestic product, a mining company official told a House subcommittee Feb. 24....

Mining

Peabody Energy No Longer Able to Self-Bond, Group Alleges

WildEarth Guardians has given Peabody Energy notice of intent to sue, saying the financial condition of the large mining company means it no longer qualifies to "self-bond" its mines in Colorado, New Mexico and Wyoming. ...

Pesticides

European Commission to Propose Glyphosate Reapproval

The European Commission will propose to renew until 2031 the authorization in the European

Union of the widely used pesticide glyphosate, according to a draft regulation obtained by Bloomberg BNA....

REACH

REACH Enforcement Project Finds High Level of Compliance in EU

A coordinated enforcement project involving 18 countries turned up only three breaches of decisions taken under the European Union's REACH regulation to phase out two hazardous substances, the European Chemicals Agency (ECHA) said...

Regulatory Policy

No Consensus on Fixing Unfunded Mandates Act

Although there is broad agreement that the Unfunded Mandates Reform Act of 1995 has holes and needs to be fixed, no consensus about how to do that emerged from a Senate hearing on the issue....

Regulatory Policy

Zombie Working Group May Come Back to Life: Lankford

A bipartisan working group in the Senate tasked with crafting a package of changes to the regulatory process has fallen apart for the moment, although Republicans are hopeful that Democrats will come back to the table, said Sen. James Lankford...

Renewable Energy

Brooklyn Site Seen as Base to Build Offshore Wind Farm

Deepwater Wind LLC, the company building the only U.S. offshore wind farm, is looking at a Brooklyn waterfront site as a staging ground as it pursues a potential project off the south shore of Long Island, according to a person familiar with the...

Sustainability

Gore Sees Sustainable Investments Eclipsing 'Tens of Trillions'

Al Gore started an investment business a dozen years ago, aiming to put money in the sort of companies that aligned with his vision of a world in transition....

Trade

U.S. Prevails in WTO Dispute Against India's Solar Program

A World Trade Organization dispute panel backed U.S. allegations that India's national solar program violated international trade rules and unfairly discriminated against imported solar cells and modules. ...

Vehicle Fuels

Inhofe: Congress Must Act on Fuel Standard by 2022

Congress must decide what to do with the renewable fuel standard by 2022 to prevent the Environmental Protection Agency from having full control over it, Sen. James Inhofe (R-Okla.) said Feb. 24 at an oversight hearing on the requirements for...

Water Pollution

NPDES Permit for Beef Plant Can Transfer to New Owner

The city of Brawley, Calif., has approved the transfer of a Clean Water Act discharge permit held by the prior owner of a beef plant to the prospective proprietor....

Water Pollution

Research: Microplastics in Rivers Despite Treatment

Thousands and perhaps millions of tiny shards of plastic that are less than 5 millimeters wide are entering urban rivers in Illinois every day after eluding capture at wastewater treatment plants, according to research by Chicago-based Loyola...

Water Resources

Lawmakers Soften Criticism of Water Project Work

The U.S. Army Corps of Engineers is getting better at reviewing potential water infrastructure projects and reporting them to Congress but still needs improvement, lawmakers told corps leaders Feb. 24....

Water Resources

Texas Supreme Court Lets Stand Drought Rules Invalidation

A ruling that invalidated emergency drought rules allowing Texas's water regulator to suspend some junior water rights, but not those held by power generators and cities for public health, safety and welfare concerns, will stand after...

REGULATORY AGENDA

Comment Deadlines

FEBRUARY 24 FEDERAL REGISTER

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Daily Environment Report

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